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The Works of James Buchanan

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THE WORKS
OF
JAMES BUCHANAN

Comprising his Speeches, State Papers,
and Private Correspondence

Collected and Edited
By
JOHN BASSETT MOORE

VOLUME I
1813-1830



Philadelphia & London
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1908



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EDITORIAL NOTE

THE publication of the works of James Buchanan, in the present comprehensive form, was assured by the action of the late Mrs. Henry E. Johnston, formerly Harriet Lane, who, toward the close of her interesting and well-spent life, determined to give this final proof of her devotion to her uncle's memory. To those who have read the excellent biography of Buchanan written by George Ticknor Curtis, and published by the Harpers in 1883, it is unnecessary to speak of the exceptional relation which subsisted between Buchanan and his niece, a relation characterized on the one side by perfect care and confidence, and on the other by a loyalty and veneration that never wavered.

It was the fate of James Buchanan, in his seventieth year, when, at the close of a long and wearing public career, he was about to lay down the burdens of office, to be confronted with a crisis which would have taxed the energy and decision of an Andrew Jackson at thirty-five, and concerning the wisest treatment of which even the philosophers of hindsight cannot agree. There has no doubt existed a general tendency, which was stimulated by the eventual triumph of the Union and the abolition of slavery, to censure him for not having assumed a peremptory and defiant attitude toward secession when it first became aggressively active. But, even if it be admitted that this more heroic course might have been justified by the event, it seems unreasonable and unjust to condemn a statesman of Buchanan's age, political antecedents, and strict constitutionalism for seeking to afford the largest possible opportunity for conciliatory and healing measures. Efforts were repeatedly made, apparently in a spirit of hopefulness, by his successor as President, to find a basis of compromise; and when the armed conflict began, the first actual shot was not fired by a soldier of the Union. Buchanan's course is explained and defended in his monograph entitled "Mr. Buchanan's Administration on the Eve of the Rebellion," which is reprinted in the last volume of the present publication. Much authentic matter on the same subject may also be found in the collected essays of the Honorable Horatio

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King, published in 1895, under the title "Turning on the Light: A Dispassionate Survey of President Buchanan's Administration, from 1860 to its Close." I desire also to call attention to the able address, "Buchanan's Administration on the Eve of the Rebellion," delivered by the Honorable W. U. Hensel at Lancaster, Pennsylvania, January 24, 1908. This paper has just come to my notice, and I shall seek Mr. Hensel's permission to reprint it in the last volume of the present publication.

In the light of a restored national authority, with powers vastly strengthened not only by constitutional amendment but also by war and construction, it has grown more and more difficult to enter into the spirit of the refinements which found expression in Buchanan's annual message of December, 1860, as to the legal aspects of secession and the powers of the Federal Government in the premises. On these questions, however, the message, contrary to what often seems to be supposed, advanced nothing new. The idea of a double or divided sovereignty, each part supreme within its sphere, was a commonplace of American political and juridical discussions, and was accepted as a sort of self-evident truth by the masses, till its practical impotence in the face of the attempt of a State to secede suddenly became glaringly manifest. Moreover, this part of the message was substantially but a transcript of an official opinion then lately given to the President by his Attorney-General, the Honorable Jeremiah S. Black, who appears to have volunteered the service and himself to have drawn up the questions which the President was to propound to him.

When we review Buchanan's record as a public man, whether as a Representative in Congress or a Senator, as Secretary of State or Minister Plenipotentiary, or as President, there is nothing that impresses us more than his laborious industry and his capacity for business. He did not hold himself in reserve for great occasions. He gave his best from day to day, maintaining a uniformly high level of accomplishment. Where tact and diplomacy were requisite, he was especially successful. Diplomacy was in reality his special gift. Both at St. Petersburg and at London, he cultivated good will and rendered substantial service. He was the first Secretary of State to announce and maintain the doctrine of voluntary expatriation in its full extent. He also systematized the work of the Department of State.

His personal integrity was beyond question. In such matters he avoided even the appearance of evil.

The reader may observe that in some cases the only source cited for a paper of Buchanan's is Curtis' biography. In such cases I was unable to find the original document. Some years ago, before the Buchanan materials were placed in the Historical Society of Pennsylvania, those used by Curtis passed through a fire in a storage warehouse in New York, and some of them, doubtless, were destroyed.

For aid in collecting materials, I desire to express my special obligations to Miss Wylie, of the Department of Manuscripts of the Historical Society of Pennsylvania; to my former student, Samuel B. Crandall, now connected with the Spanish Treaty Claims Commission; and to my old friend, Worthington C. Ford, of the Division of Manuscripts of the Library of Congress, whose debtors we all are. I desire also to extend my thanks to my former student, Albert Marion Elsberg, for assistance in the revision of the synopsis of Buchanan's career in Congress.

Lastly, I should be guilty of a grave omission if I failed to make my acknowledgments to James Buchanan Henry, Esquire, for constant interest and encouragement. His extensive and intimate acquaintance with men and affairs, gained partly as secretary to his uncle, President Buchanan, has always been at my disposal.

JOHN BASSETT MOORE.

NEW YORK, April 6, 1908.

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OF THE UNIVERSITY OF CALIFORNIA

SYNOPSIS *of* BUCHANAN'S CAREER IN CONGRESS

HOUSE OF REPRESENTATIVES, 1821.

December 3, 1821.—First appears as a member of the House of Representatives from Pennsylvania. (Ann. 17 C. 1 s. 1821–1822, I. 513.)

December 5.—Appointed a member of the Committee on Agriculture. (Ann. 17 C. 1 s. 1821–1822, I. 519.)

December 15.—On Buchanan's motion, the Committee on Roads and Canals are instructed to inquire whether, and, if any, what, measures should be adopted by the United States in aid of the Chesapeake and Delaware Canal Company. (Ann. 17 C. 1 s. 1821–1822, I. 549.)

December 19.—Votes aye on a motion indefinitely to postpone a resolution directing the President of the Senate and the Speaker of the House to adjourn their respective houses from Saturday, December 22, till Wednesday, January 2, 1822. (Ann. 17 C. 1 s. 1821–1822, I. 564, 566, 567.)

Takes part in the discussion of a proposal to increase the liabilities of pension agents. (Id. 572–573.)

December 21.—The House having discussed, in Committee of the Whole, a report on the petition of David Taylor for an indemnity for staves used by General Wilkinson as fuel for the army when he embarked at Gravelly Point, New York, to proceed down the St. Lawrence River, the Committee, on Buchanan's motion, rises, in order that further time may be given for reflection upon the general principles involved in the case. (Ann. 17 C. 1 s. 1821–1822, I. 583.)

HOUSE OF REPRESENTATIVES (Continued), 1822.

January 3, 1822.—Remarks on the Military Appropriation Bill. (Ann. 17 C. 1 s. 1821–1822, I. 630.)

**January* 9.—Speech on an appropriation to meet a deficiency in connection with Indian affairs. (Ann. 17 C. 1 s. 1821–1822, I. 682–690.)

January 11.—Remarks against postponing the further consideration of the bill making partial appropriations for the support of the army. (Ann. 17 C. 1 s. 1821–1822, I. 704.)

**January* 24.—Offers and makes remarks upon a resolution of inquiry concerning the collection of fines imposed by United States courts-martial on militiamen in Pennsylvania for delinquencies during the War of 1812. Resolution adopted, and Buchanan appointed chairman of a committee of five to inquire and report thereunder. (Ann. 17 C. 1 s. 1821–1822, I. 787–789.)

January 28.—Votes nay on a proposed amendment to the Apportionment Bill under the fourth census. (Ann. 17 C. 1 s. 1821–1822, I. 824.)

January 29.—Opposes a motion to lay on the table the message of President Monroe, of January 28, 1822, in relation to the case of General Jackson and Judge Fromentin. (Ann. 17 C. 1 s. 1821–1822, I. 827.)

Ann.=Annals of Congress.—C.=Congress.—s.=session.—*=Printed herein.

January 30.—On consideration of the Apportionment Bill, a motion to adopt 45,000 as the basis of representation was lost, Buchanan voting aye. A motion to adopt 39,000 was also lost, Buchanan voting no. (Ann. 17 C. 1 s. 1821–1822, I. 845, 846.)

January 31.—On consideration of the Apportionment Bill, a motion to make the ratio of representation 41,000 was lost, Buchanan voting aye. A motion to make the number 38,000 was also lost, Buchanan voting no. (Ann. 17 C. 1 s. 1821–1822, I. 863, 865.)

February 1.—The Apportionment Bill being again under consideration, the motion to insert 41,500 was lost, Buchanan voting yea. A motion to strike out 40,000 was lost, Buchanan voting nay. (Ann. 17 C. 1 s. 1821–1822, I. 872, 874, 875.)

February 2.—A motion to recommit the Apportionment Bill to a select committee, with instructions to strike out 40,000 and insert 42,000, was decided in the negative, Buchanan voting nay. A motion to recommit with instructions to insert 38,000 was lost, Buchanan voting nay. (Ann. 17 C. 1 s. 1821–1822, I. 890.)

February 4.—Participates in a discussion on an amendment to the Apportionment Bill. The motion to amend was lost, Buchanan voting nay. A motion to recommit by inserting 39,900 instead of 42,000 was lost, Buchanan voting nay. (Ann. 17 C. 1 s. 1821–1822, I. 905, 906, 907.)

February 6.—A proposal to insert 42,000 in the Apportionment Bill as the ratio of representation was lost, Buchanan voting in the negative. A proposal to make it 44,000 was also negatived, Buchanan voting nay. (Ann. 17 C. 1 s. 1821–1822, I. 925, 938.)

The bill was passed, Buchanan voting yea. (Id. 947.)

February 14.—Appointed a member of a committee to investigate the Post Office Department. (Ann. 17 C. 1 s. 1821–1822, I. 1034.)

February 21.—Participates in the discussion on the question of concurring with the Committee of the Whole in their amendments to the bill making appropriations for the military service of the United States for the year 1822. (Ann. 17 C. 1 s. 1821–1822, I. 1129–1130.)

February 28.—Remarks on a motion to lay on the table the resolution to refer various parts of the documents accompanying the President's message, in relation to Andrew Jackson's transactions in Florida, to the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Military Affairs. (Ann. 17 C. 1 s. 1821–1822, I. 1162.)

March 1.—The Apportionment Bill being under consideration, an amendment providing that, in ascertaining the population of Alabama, no account should be taken of any enumeration made after March 3, 1822, was lost, Buchanan voting aye. Other motions also were made, on which Buchanan voted. (Ann. 17 C. 1 s. 1821–1822, I. 1169–1171.)

March 2.—Votes in the affirmative on the question of concurring in the amendment of the Committee of the Whole to the bill making appropriations for the support of the military establishment, in specifying the sum of $982,917 for the pay and subsistence of the army. (Ann. 17 C. 1 s. 1821–1822, I. 1182.)

March 4.—Votes aye on the passage of the Military Appropriation Bill. (Ann. 17 C. 1 s. 1821–1822, I. 1193.)

March 7.—Participates in a discussion on a resolution relating to allowances which had been made to the Attorney-General, in addition to his salary. (Ann. 17 C. 1 s. 1821–1822, I. 1235.)

March 11.—Calls for the consideration of the joint resolution from the Senate, to fix the first Monday in April for the adjournment of the session. (Ann. 17 C. 1 s. 1821–1822, II. 1250.)

Ann.=Annals of Congress.—C.=Congress.—s.=session.—* =Printed herein.

March 12.—Votes against an amendment to the Bankruptcy Bill, admitting others than merchants to the benefits of the law. The amendment was lost. (Ann. 17 C. 1 s. 1821–1822, II. 1276.)

Votes for an amendment that no certificate of discharge shall be operative except as to persons liable to become bankrupts under the act. (Id. 1277.)

Votes against a motion to amend the bill so as to admit all classes of the community to its provisions. (Id. 1281.)

* Delivers a speech on the bill. (Id. 1281–1297.)

On a vote taken on the main question, the Bankruptcy Bill was rejected, Buchanan voting nay. (Id. 1298.)

March 13.—Remarks in favor of an amendment of the Rules of the House, relative to adjournment. (Ann. 17 C. 1 s. 1821–1822, II. 1302.)

March 14.—Remarks in favor of an amendment to the bill authorizing the Secretary of the Treasury to pay off certain United States stocks. (Ann. 17 C. 1 s. 1821–1822, II. 1305.)

March 18.—Remarks on the contested election of Mr. Reed and Mr. Causden. Votes against concurrence with the Committee of the Whole, in their amendment of the second resolution, denying the right of General Reed to the seat he claimed. (Ann. 17 C. 1 s. 1821–1822, II. 1311, 1312.)

March 19.—Votes against a motion to amend the resolution concerning the contested election of Messrs. Causden and Reed, as amended in Committee of the Whole, so as to make it declare that, as both had an equal number of votes, Reed was not entitled to a seat. (Ann. 17 C. 1 s. 1821–1822, II. 1322.)

Votes in favor of a resolution that Philip Reed is entitled to a seat in the House. The resolution was carried. (Id. 1323.)

* *March* 21.—Speaks and votes in the affirmative on an amendment to the Exchange of Stocks Bill, to extend a part of the public debt at a lower rate of interest. (Ann. 17 C. 1 s. 1821–1822, II. 1344, 1345.)

March 26.—Votes aye on the passage of the Revolutionary Pension Bill. (Ann. 17 C. 1 s. 1821–1822, II. 1371.)

March 28.—Votes in favor of the resolution reported by the Committee on Foreign Relations, recommending the recognition of the independence of the South American provinces and making an appropriation to carry it into effect. (Ann. 17 C. 1 s. 1821–1822, II. 1403.)

* *March* 30.—Speaks and votes aye on the passage of the bill authorizing the exchange of certain stocks. (Ann. 17 C. 1 s. 1821–1822, II. 1429–1432, 1442.)

April 1.—Votes aye on the adoption of the motion to reconsider the vote taken March 30th, by which permission was refused to Mr. Garnett, of Virginia, to spread upon the journals his reasons for voting against the resolutions to recognize the independence of the South American provinces. (Ann. 17 C. 1 s. 1821–1822, II. 1448.)

* *April* 9.—Speaks and votes in favor of concurring with the Committee of the Whole in striking out the appropriation for the repair of the Cumberland Road. (Ann. 17 C. 1 s. 1821–1822, II. 1503–1508, 1514.)

April 13.—Votes for a motion to discharge the Committee of the Whole from the further consideration of certain resolutions proposing an alteration in the tariff laws. Votes against postponing the further consideration of these resolutions. (Ann. 17 C. 1 s. 1821–1822, II. 1547, 1548.)

Participates in the discussion on a bill to compensate officers and volunteers in the Seminole campaign for horses lost in that service. (Id. 1549.)

April 15.—Votes in favor of engrossing and ordering for a third reading the foregoing bill. (Ann. 17 C. 1 s. 1821–1822, II. 1564.)

Ann.=Annals of Congress.—C.=Congress.—s.=session.—*=Printed herein.

April 22.—Lays before the House a resolution of the General Assembly of Pennsylvania, requesting that the fines imposed on the militia of that State for non-compliance with certain requisitions of the President of the United States in the late war with Great Britain be transferred to that State, with power to collect them. The resolution was referred to the select committee appointed by the House on the subject. (Ann. 17 C. 1 s. 1821–1822, II. 1627.)

April 23.—Votes against the passage of the bill to repeal the act to encourage vaccination. (Ann. 17 C. 1 s. 1821–1822, II. 1640.)

April 24.—Votes aye on the passage of the amendment to the bill concerning the compensation of members of Congress, so as to reduce the allowance for mileage to six dollars for every thirty miles travelled. (Ann. 17 C. 1 s. 1821–1822, II. 1652.)

Votes against a motion to recommit the Compensation Bill with certain instructions. (Id. 1653.)

Votes for an amendment to provide that the reduction of mileage allowance, in the Compensation Bill, should take effect the first day of the past July. The amendment was lost. (Id. 1653.)

Votes against an amendment to the Compensation Bill, to postpone its operation till the following July. The amendment was agreed to. (Id. 1654.)

**April* 25.—Remarks on a proposed appropriation for marking the western boundary of the United States under the treaty with Spain of February 22, 1819. (Ann. 17 C. 1 s. 1821–1822, II. 1663.)

Report from the select committee, of which Buchanan was a member, on the subject of fines imposed by courts-martial on Pennsylvania militiamen. (House Report 97, 17 C. 1 s.)

April 26.—Votes against an amendment to the Cumberland Road Bill, to provide for the cession to Maryland, Virginia, and Pennsylvania, respectively, of the road from Cumberland to Wheeling; the amendment was lost. Votes in favor of the amendment appropriating $9,000 for the repair of the road; the amendment was adopted. Votes in favor of engrossing and reading the bill a third time; it was so ordered. (Ann. 17 C. 1 s. 1821–1822, II. 1691, 1692.)

Opposes an amendment to the Military Appropriation Bill for 1822, providing that the payment of the expense incurred by the military courts-martial in Pennsylvania be made out of the moneys collected from military fines in that State. (Id. 1693.)

April 27.—Votes against the motion to postpone the consideration of the bill as to compensation of members of Congress. Votes against an amendment to the motion to recommit the bill with instructions to strike out four dollars and insert six in the allowance to members for their attendance and for their necessary travel of every twenty miles to and from Washington. The amendment was lost. (Ann. 17 C. 1 s. 1821–1822, II. 1720, 1722.)

April 29.—Votes aye on the passage of the bill for the preservation and repair of the Cumberland Road. (Ann. 17 C. 1 s. 1821–1822, II. 1734.)

April 30.—Casts various votes on amendments to the bill providing for the compensation of members of Congress. (Ann. 17 C. 1 s. 1821–1822, II. 1758, 1760, 1761, 1762, 1776.)

May 2.—Votes on a question relating to the payment of the expenses incurred by courts-martial in the State of New York. (Ann. 17 C. 1 s. 1821–1822, II. 1780.)

December 16.—Appears as a member of the House of Representatives from Pennsylvania. (Ann. 17 C. 2 s. 1822–1823, 384.)

Ann.=Annals of Congress.—C.=Congress.—s.=session.—*=Printed herein.

HOUSE OF REPRESENTATIVES (Continued), 1823.

January 8, 1823.—Votes against engrossing for a third reading the bill to incorporate the Naval Fraternal Association. The bill was rejected. (Ann. 17 C. 2 s. 1823–1824, 542.)

January 9.—Votes in favor of engrossing and reading a third time the bill to appropriate land to defray the cost of laying out and making a road from a point on Lake Erie to the Connecticut Reserve. (Ann. 17 C. 2 s. 1823–1824, 553.)

January 14.—Votes against a motion to lay on the table the bill to provide for procuring the necessary surveys and estimates for certain roads and canals. (Ann. 17 C. 2 s. 1823–1824, 625.)

January 16.—Votes in favor of engrossing and reading for a third time the bill for the better organization of the United States District Court in Louisiana. (Ann. 17 C. 2 s. 1823–1824, 635.)

January 23.—Proposes some additional sections to the bill providing for the preservation and repair of the Cumberland Road, and moves that the Committee of the Whole rise. (Ann. 17 C. 2 s. 1823–1824, 669.)

Participates in a debate on the bill regulating the duties on imports and tonnage in United States ports. (Id. 670.)

January 25.—Speaks and votes against a motion to amend the bill for the better organization of the United States District Court in Louisiana, by striking out an additional compensation of $500 for the district judge. The amendment was adopted. (Ann. 17 C. 2 s. 1822–1823, 690, 691.)

January 27.—Votes against a motion to take up for consideration a bill to provide for the occupation of the mouth of the Columbia River. (Ann. 17 C. 2 s. 1822–1823, 700.)

Votes in favor of taking up for consideration the bill providing for surveys and estimates for certain roads and canals. (Id. 700.)

January 29.—Votes against a motion to resume the consideration of the bill providing for surveys and estimates for certain roads and canals. (Ann. 17 C. 2 s. 1822–1823, 725.)

**February* 7.—Speech on the new Tariff Bill. (Ann. 17 C. 2 s. 1822–1823, 893–905.)

**February* 10.—Introduces a resolution, and makes remarks thereon, instructing the Judiciary Committee to make inquiry regarding the punishment of crimes on the high seas. (Ann. 17 C. 2 s. 1822–1823, 929.)

February 13.—Discusses an amendment to the General Appropriation Bill for 1823, making provision for the repair and preservation of the Cumberland Road, and moves and speaks upon an amendment to provide for the recession to Maryland, Pennsylvania, and Virginia of those parts of the road lying within their respective jurisdictions. (Ann. 17 C. 2 s. 1822–1823, 1014.)

February 14.—Speaks and votes aye on a motion to discharge the Committee of the Whole from further consideration of the new Tariff Bill. (Ann. 17 C. 2 s. 1822–1823, 1016.)

February 19.—Votes against the passage of the bill to extend the charter of the Mechanics' Bank of Alexandria. (Ann. 17 C. 2 s. 1822–1823, 1062.)

In Committee of the Whole, speaks in favor of his amendment to the Cumberland Road Bill, to provide for the recession to Maryland, Pennsylvania, and Virginia of certain parts of the Cumberland Road. The amendment was negatived. (Id. 1063.)

In the House, again submits the amendment. (Id. 1063–1064.)

February 21.—Votes in favor of his amendment to the Cumberland

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Road Bill. The amendment was negatived. (Ann. 17 C. 2 s. 1822–1823, 1072.)

Votes against a motion ordering the bill to a third reading. (Id. 1074.)

February 24.—Votes in favor of ordering to be engrossed and read a third time the bill abolishing the office of measurer in the several ports of entry in the United States. (Ann. 17 C. 2 s. 1822–1823, 1093.)

February 26.—Opposes a bill for the relief of Benjamin King. (Ann. 17 C. 2 s. 1822–1823, 1118.)

February 27.—Votes against concurrence in the Senate amendment to the Revolutionary Pensions Bill, providing for a reduction of pensions. The amendment was not accepted. (Ann. 17 C. 2 s. 1822–1823, 1142.)

February 28.—Votes for a resolution requesting the President to negotiate with the maritime powers for the abolition of the African slave trade. (Ann. 17 C. 2 s. 1822–1823, 1155.)

December 1.—Appears as a member of the House of Representatives from Pennsylvania, and takes his seat. (Ann. 18 C. 1 s. 1823–1824, I. 793.)

December 2.—Appointed a member of the Committee on the Judiciary. (Ann. 18 C. 1 s. 1823–1824, I. 798.)

December 5.—Appointed a member of a select committee of seven for the purpose of inquiring into the expediency of recommending to the several States the propriety of an amendment to the Constitution of the United States, making the mode of electing members of the House and electors uniform throughout the United States. (Ann. 18 C. 1 s. 1823–1824, I. 801.)

December 30.—Remarks on a bill for the relief of certain distillers of Berks County, Pennsylvania. (Ann. 18 C. 1 s. 1823–1824, I. 910.)

HOUSE OF REPRESENTATIVES (Continued), 1824.

**January* 5, 1824.—Remarks on a bill concerning costs in patent cases. (Ann. 18 C. 1 s. 1823–1824, I. 933–934, 936–937.)

January 6.—Reports from the Committee on the Judiciary a bill to alter the judicial districts of Pennsylvania. (Ann. 18 C. 1 s. 1823–1824, I. 939.)

January 7.—Votes in favor of agreeing to the report of the Committee on Elections, admitting Parmenio Adams to a seat. The report was agreed to. (Ann. 18 C. 1 s. 1823–1824, I. 944.)

January 13.—Votes in favor of engrossing for a third reading the bill for obtaining the necessary surveys, plans, and estimates on the subject of roads and canals. It was so ordered. (Ann. 18 C. 1 s. 1823–1824, I. 1041.)

**January* 15.—Introduces and speaks upon a resolution for the appointment of a committee to inquire in what manner the resolutions of Congress for the erection of a monument to Washington may be best accomplished. (Ann. 18 C. 1 s. 1823–1824, I. 1044–1046, 1047–1048.)

**February* 16.—Remarks on the Tariff Bill, with reference to the proposed duty of six cents a yard on imported bagging. (Ann. 18 C. 1 s. 1823–1824, I. 1546, 1547.)

**February* 17.—Remarks on the Tariff Bill, with reference to the proposed duty of six cents a yard on imported bagging, and moves an amendment by striking out six and inserting two and a half. (Ann. 18 C. 1 s. 1823–1824, I. 1565, 1566.)

**February* 19.—Remarks on the Tariff Bill, with reference to the proposed duty of six cents a yard on imported bagging and the resolution offered to inquire what effect the passage of the bill would have upon the revenue. (Ann. 18 C. 1 s. 1823–1824, I. 1590.)

February 20.—Votes on certain amendments to the Military Appropria-

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tion Bill, as to the purchase of Gridley's farm, in the State of New York. (Ann. 18 C. 1 s. 1823–1824, I. 1617, 1618.)

February 23, 24.—Votes for a motion to lay on the table the resolution for an inquiry into the effect of the passage of the proposed Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, I. 1623, 1629.)

* *February* 26.—Renews motion to amend the Tariff Bill so as to change the duty on cotton bagging from six cents to two and a half cents per square yard. The amendment was agreed to. (Ann. 18 C. 1 s. 1823–1824, I. 1678–1679.)

February 27.—Votes against taking up for consideration the resolution to inquire into the effect of the passage of the proposed Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, I. 1681.)

Remarks on the Tariff Bill, with reference to a motion to strike out the provision for a duty of twenty-five cents per bushel on wheat. (Id. 1696.)

* *February* 28.—Speech on the Tariff Bill, with reference to the duty on bar iron. (Ann. 18 C. 1 s. 1823–1824, II. 1709–1712.)

* *March* 4.—Remarks on the Tariff Bill, with reference to the duty on woollen goods. (Ann. 18 C. 1 s. 1823–1824, II. 1742.)

March 11.—Advocates a motion to strike out of the General Appropriation Bill for 1824 the word "Lima," in the list of ministers to South America. (Ann. 18 C. 1 s. 1823–1824, II. 1766.)

March 13.—Votes against concurring in a provision in the General Appropriation Bill for 1824, of $25,000 for the north portico of the President's house. (Ann. 18 C. 1 s. 1823–1824, II. 1782.)

March 18.—Votes in favor of the report of the Committee on Elections against the right of John Bailey to a seat. (Ann. 18 C. 1 s. 1823–1824, II. 1855.)

* *March* 23.—Remarks on a motion amending the Tariff Bill so as to reduce the proposed duty on hemp from two cents a pound to one and one-half cents. (Ann. 18 C. 1 s. 1823–1824, II. 1888–1893.)

* *March* 25.—Remarks on a motion to amend the Tariff Bill so as to extend the drawback system. (Ann. 18 C. 1 s. 1823–1824, II. 1910, 1911.)

April 8.—Votes in favor of a motion to reconsider the vote taken on the report of the Committee of the Whole on the amendment to the Tariff Bill reducing the minimum on woollen goods from eighty to forty cents a square yard; and votes in favor of this amendment. (Ann. 18 C. 1 s. 1823–1824, II. 2255, 2257.)

* *April* 9.—Speech on the Tariff Bill, opposing reduction of duty on bar iron. (Ann. 18 C. 1 s. 1823–1824, II. 2258–2271.)

April 10.—Votes on various amendments to the Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, II. 2289, 2290, 2291, 2293.)

April 12.—Votes on various amendments to the Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, II. 2310, 2311.)

Votes on various amendments to the Tariff Bill. (Id. 2312, 2313, 2314, 2316.)

April 13.—Votes on various amendments to the Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, II. 2328, 2329, 2332.)

April 14.—Votes against postponing the consideration of the Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, II. 2337.)

Votes in favor of putting the main question of the Tariff Bill. (Id. 2341.)

Votes in favor of the main question for engrossing and reading a third time the Tariff Bill. (Id. 2342.)

Votes against fixing July 4th as the day for reading a third time the Tariff Bill. (Id. 2344.)

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April 16.—Votes against a motion to lay the Tariff Bill on the table. (Ann. 18 C. 1 s. 1823–1824, II. 2428.)

Votes in favor of putting the main question of the passage of the Tariff Bill. (Id. 2428.)

Votes in favor of the passage of the Tariff Bill. (Id. 2429.)

April 19.—Inquires as to the object of Ninian Edwards in memorializing the House with reference to alleged injustice done to him in a report of the Secretary of the Treasury. (Ann. 18 C. 1 s. 1823–1824, II. 2450.)

April 21.—Votes in favor of a motion to recommit the Fortifications Bill. (Ann. 18 C. 1 s. 1823–1824, II. 2469.)

Votes in favor of referring the joint resolution of the Senate fixing the time for adjournment to the proper committee. (Id. 2470.)

April 23.—Moves that the House go into Committee of the Whole on the bill "to alter the judicial districts of Pennsylvania." (Ann. 18 C. 1 s. 1823–1824, II. 2481.)

Discusses a bill for the relief of Penelope Denney. Moves to strike out the enacting clause, but the motion is defeated. Votes against ordering the bill to a third reading. (Id. 2485, 2486.)

April 28.—Votes in favor of ordering to a third reading the bill for the relief of Daniel Carroll, and others. (Ann. 18 C. 1 s. 1823–1824, II. 2501.)

April 30.—Asks concerning a resolution instructing the Committee on the Judiciary to inquire into the expediency of certain legislation affecting the District of Columbia. (Ann. 18 C. 1 s. 1823–1824, II. 2506.)

May 5.—Votes against a bill for the remission of duties on goods imported into Castine, Maine, while it was in possession of the British during the War of 1812. (Ann. 18 C. 1 s. 1823–1824, II. 2549.)

May 6.—Advocates the bill authorizing the creation of stock for the awards of the Commissioners under the treaty with Spain of February 22, 1819. (Ann. 18 C. 1 s. 1823–1824, II. 2554.)

Votes against a motion to postpone consideration of the bill. (Id. 2555.)

May 7.—Votes in favor of the passage of the bill authorizing the creation of five million dollars stock for the awards of the Commissioners under the treaty with Spain of February 22, 1819. (Ann. 18 C. 1 s. 1823–1824, II. 2574.)

**May* 7, 8.—Remarks on the bill making appropriation for removing obstructions from the bed of the Mississippi, Ohio, and Missouri rivers. (Ann. 18 C. 1 s. 1823–1824, II. 2578, 2583, 2584.)

**May* 10.—Offers and speaks upon an amendment to the above bill. (Ann. 18 C. 1 s. 1823–1824, II. 2586–2587, 2588.)

**May* 11.—Requests leave to record his vote against the bill, which had been passed, for improving the navigation of the Ohio and Mississippi rivers. Request denied. (Ann. 18 C. 1 s. 1823–1824, II. 2597.)

**May* 13.—Remarks on a resolution as to the sale of public lots in the city of Washington. (Ann. 18 C. 1 s. 1823–1824, II. 2614.)

May 14.—Votes for the motion that the House go into Committee of the Whole for the purpose of considering the Tariff Bill as reported from the Senate. (Ann. 18 C. 1 s. 1823–1824, II. 2621.)

May 15.—Votes against various Senate amendments to the Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, II. 2626, 2627, 2628, 2629.)

May 17.—Votes against a motion to recede from the disagreement to the Senate amendments to the Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, II. 2634.)

**May* 18.—Remarks on a joint resolution fixing the day of adjournment of Congress. (Ann. 18 C. 1 s. 1823–1824, II. 2651–2652.)

May 19.—Votes against a motion to postpone indefinitely the consideration of the Tariff Bill. (Ann. 18 C. 1 s. 1823–1824, II. 2673.)

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Votes in favor of concurring in the report of the Committee of Conference in relation to amendments to the Tariff Bill. (Id. 2674.)

* *December* 21.—Submits and speaks upon a motion to strike out the 4th section of the bill for occupying the mouth of the Columbia River. (Reg. 18 C. 2 s. 1824–1825, I. 36.)

December 23.—Votes in favor of a bill concerning General Lafayette. (Reg. 18 C. 2 s. 1824–1825, I. 55.)

HOUSE OF REPRESENTATIVES (Continued), 1825.

* *January* 3, 1825.—Remarks on a bill for the relief of the Niagara sufferers. (Reg. 18 C. 2 s. 1824–1825, I. 121–123.)

January 6.—Votes against an amendment to the bill for the relief of the Niagara sufferers. (Reg. 18 C. 2 s. 1824–1825, I. 145.)

* *January* 7.—Remarks on a bill for punishing certain crimes against the United States; and also moves to amend the bill so as to provide a lesser penalty for the crime of stealing by a passenger aboard a vessel. The amendment was agreed to. (Reg. 18 C. 2 s. 1824–1825, I. 157–158.)

* *January* 11.—Remarks on the request in the President's message for an examination of his accounts. (Reg. 18 C. 2 s. 1824–1825, I. 176–177.)

* *January* 13.—Remarks on the bill providing for a Western National Road. (Reg. 18 C. 2 s. 1824–1825, I. 206–207.)

January 18.—Votes against ordering to be engrossed for a third reading the bill providing for the Western National Road. (Reg. 18 C. 2 s. 1824–1825, I. 261.)

January 19.—Votes against the passage of the bill for the relief of the Niagara sufferers. (Reg. 18 C. 2 s. 1824–1825, I. 274.)

* *January* 21.—Remarks on the bill authorizing a subscription to the stock of the Chesapeake and Delaware Canal. (Reg. 18 C. 2 s. 1824–1825, I. 331–332.)

Votes in favor of the passage of this bill. (Id. 333.)

* *February* 2.—Remarks on the report of the Select Committee on rules to be observed by the House in choosing a President. (Reg. 18 C. 2 s. 1824–1825, I. 422–423.)

February 4.—The Speaker of the House (Mr. Clay) having appealed for an investigation into the charge of a corrupt bargain between Adams and himself, Buchanan moves an adjournment. Motion negatived. (Reg. 18 C. 2 s. 1824–1825, I. 482.)

Votes in favor of the indefinite postponement of the consideration of the subject of the Speaker's appeal to the House, and against referring the matter to a select committee. (Id. 484, 486.)

* *February* 21.—Remarks on a bill concerning the extension of drawback duties. (Reg. 18 C. 2 s. 1824–1825, I. 636.)

February 23.—Votes in favor of engrossing for a third reading the bill providing for the payment to Virginia of interest on militia claims. (Reg. 18 C. 2 s. 1824–1825, I. 667.)

February 25.—Votes in favor of a bill to confirm the acts of the legislatures of Maryland and Virginia incorporating the Chesapeake and Ohio Canal Company. (Reg. 18 C. 2 s. 1824–1825, I. 687.)

* *March* 1.—Moves to amend the Senate bill for the suppression of piracy, by reducing the number of sloops of war and the sum appropriated, and makes remarks on his amendment. The amendment was agreed to. (Reg. 18 C. 2 s. 1824–1825, I. 729, 730, 731, 732.)

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March 2.—Remarks on the bill to secure the accountability of public officers, moving to postpone it indefinitely. The bill was recommitted to the Committee of the Whole. (Reg. 18 C. 2 s. 1824–1825, I. 737.)

* *December* 15.—Offers a resolution calling for the proceedings of the court-martial in the case of Commodore Porter, and makes remarks thereon. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 806–808.)

* *December* 16.—Remarks on his resolution calling for the proceedings of the court-martial in the case of Commodore Porter. The resolution was passed. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 815–817.)

* *December* 27.—Remarks on a resolution calling for a statement of losses in the collection of customs. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 860.)

HOUSE OF REPRESENTATIVES (Continued), 1826.

January 4, 1826.—Votes in favor of a resolution calling on the President for a list of appointments to office of members of Congress. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 871.)

* *January* 5.—Remarks on a bill concerning the Judiciary. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 887–888.)

* *January* 9.—Speech on the same bill. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 916–925.)

* *January* 10.—Continues speech on the bill concerning the Judiciary. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 927–929, 930–932.)

January 19.—Votes against an amendment to the Judiciary System Bill, decreasing the number of associate judges. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 1054.)

January 25.—Votes in favor of engrossing for a third reading the Judiciary System Bill. (Reg. 19 C. 1 s. II., pt. 1, 1149.)

* *January* 27.—Remarks on the bill making appropriations for fortifications. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 1184–1186.)

* *January* 30.—Remarks on the same bill. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 1204.)

January 31.—Asks for the withdrawal of a motion to lay on the table the resolution concerning the Congress of Panama. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 1219.)

February 13.—Votes against the passage of a bill for the relief of Penelope Denney. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 1346.)

February 17.—Offers and speaks upon a resolution to amend the Constitution regarding the election of President. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 1417–1418.)

* *February* 20.—Remarks on a proposed amendment to the Constitution in relation to the election of President and Vice-President. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 1417; House Report 19, 19 C. 1 s.)

* *March* 11.—Remarks on a bill for subscription to stock of the Dismal Swamp Canal Company. (Reg. 19 C. 1 s. 1825–1826, II., pt. 1, 1618–1620.)

* *March* 25.—Remarks on a resolution of inquiry regarding the statement by the American minister to Mexico concerning a pledge of the United States to prevent foreign interference other than Spanish in South America. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 1767–1768.)

Presides in Committee of the Whole during the consideration of a bill concerning Massachusetts militia claims. (Id. 1768.)

* *March* 27.—Remarks on a resolution regarding the statement of the American minister to the Mexican Government. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 1808–1810.)

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March 31.—Remarks on a resolution to inquire into the expediency of discontinuing the Navy-yard at Philadelphia. (Reg. 19 C. 1 s. 1825–1826, II. pt. 2, 1930–1931.)

April 1.—Votes in favor of a resolution to amend the Constitution so as to prevent the election of President and Vice-President from devolving on Congress. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2004.)

Votes against a resolution concerning an amendment to the Constitution for a uniform system of voting by districts. (Id. 2005.)

April 3.—Moves that the amendments to the Constitution, submitted by him, should be referred to a select committee of twenty-four. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2007.)

* *April* 4.—Offers and speaks upon a resolution concerning the mission to Panama. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2029.)

April 7.—Presides in Committee of the Whole during consideration of the subject of the Massachusetts militia claims. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2099.)

April 10.—Moves that Committee of the Whole rise and House adjourn. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2166.)

* *April* 11.—Speech on the mission to Panama. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2168–2182.)

* *April* 18.—Remarks on the mission to Panama. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2368–2369, 2370, 2374, 2376.)

April 20.—Further remarks on the mission. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2412–2413.)

Votes in favor of an amendment to the resolution concerning the mission to Panama. (Id. 2457.)

April 21.—Votes in favor of the amended resolution concerning the mission. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2490.)

Participates in a debate on the General Appropriation Bill, with reference to a communication from the Department of State on the subject of salary and outfit. (Id. 2491.)

April 22.—Votes for the bill making an appropriation for carrying into effect the appointment of a mission to Panama. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2514.)

* *April* 24.—Speech on a bill for the relief of Revolutionary officers. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2540–2543.)

April 25.—Moves to discharge the Committee of the Whole from further consideration of the bill for the relief of Revolutionary officers. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2573.)

May 2.—Votes against recommitment of the bill for the relief of Revolutionary officers. (Reg. 19 C. 1 s. 1825–1826, II., pt. 2, 2592.)

* *December* 11.—Remarks on a bill granting public lands to the New York and Pennsylvania institutions for the instruction of the deaf and dumb. (Reg. 19 C. 2 s. 1826–1827, III. 527.)

December 14.—Moves to table for one day a resolution to discharge the Committee of the Whole from further consideration of the Massachusetts Militia Claims Bill. (Reg. 19 C. 2 s. 1826–1827, III. 531.)

* Offers a resolution calling for information on the Panama Congress. (Niles' Weekly Register, Dec. 23, 1826, XXXI. 263.)

December 15.—Moves the consideration of the resolution to discharge the Committee of the Whole from further consideration of the Massachusetts Militia Claims Bill. (Reg. 19 C. 2 s. 1826–1827, III. 531.)

December 19.—Moves to postpone further consideration of a bill allowing the importation of brandy in casks of not less than fifteen gallons. (Reg. 19 C. 2 s. 1826–1827, III. 543.)

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HOUSE OF REPRESENTATIVES (Continued), 1827.

* *January* 3, 1827.—Remarks on the bill regarding the importation of brandy. (Reg. 19 C. 2 s. 1826–1827, III. 588–591, 596–597.)

Votes against the passage of the bill. (Id. 600.)

* *January* 9.—Remarks on a resolution concerning appointments of chargés des affaires. (Reg. 19 C. 2 s. 1826–1827, III. 639–640.)

* *January* 12.—Remarks on the bill for the relief of Revolutionary officers. (Reg. 19 C. 2 s. 1826–1827, III. 683–685.)

Votes against a resolution to recommit the bill with instructions to include certain militia officers. (Id. 690.)

January 15.—Votes against an amendment to the same bill. (Reg. 19 C. 2 s. 1826–1827, III. 729.)

January 16.—Remarks on a motion to go into Committee of the Whole on the bill for the relief of Revolutionary officers. (Reg. 19 C. 2 s. 1826–1827, III. 730.)

January 17.—Presides in Committee of the Whole during the consideration of a bill concerning duties on wool and woollens. (Reg. 19 C. 2 s. 1826–1827, III. 732.)

* *January* 18.—Remarks on the bill concerning duties on wool and woollens. Moves to discharge the Committee of the Whole from further consideration of the bill. (Reg. 19 C. 2 s. 1826–1827, III. 747–748, 749.)

January 19.—Remarks on the resignation of L. McLane from the chairmanship of the Committee of Ways and Means. (Reg. 19 C. 2 s. 1826–1827, III. 751.)

Votes in favor of reading a third time the bill for the relief of sufferers by fire at Alexandria, D. C. (Id. 773.)

* *January* 22.—Remarks on his motion to discharge the Committee of the Whole from further consideration of the bill concerning duties on wool and woollens. (Reg. 19 C. 2 s. 1826–1827, III. 779–780.)

January 25.—Presides in Committee of the Whole during the consideration of this bill. (Reg. 19 C. 2 s. 1826–1827, III. 820.)

January 30.—Presides in Committee of the Whole House during the consideration of the same bill. (Reg. 19 C. 2 s. 1826–1827, III. 857.)

* *January* 31.—Remarks on a proposed resolution of inquiry as to a possible residuum of the indemnity for slaves unlawfully carried away. (Reg. 19 C. 2 s. 1826–1827, III. 879–880.)

* *February* 6.—Remarks on the reference of memorials in behalf of a polar expedition. (Reg. 19 C. 2 s. 1826–1827, III. 949.)

Votes against a motion to lay on the table a resolution inquiring as to the publishers of the laws of the United States in the several States. (Id. 957.)

Votes against putting the question whether the bill concerning wool and woollens shall be ordered to a third reading. (Id. 986.)

* *February* 7.—Remarks on a motion to recommit the bill concerning duties on wool and woollens, and votes in favor of recommitment. (Reg. 19 C. 2 s. 1826–1827, III. 995.)

Remarks on the bill. (Id. 997–1000.)

February 8.—Votes against sustaining the Chair on a ruling that pending the previous question a motion for a call of the House is not in order. (Reg. 19 C. 2 s. 1826–1827, III. 1026.)

Votes against putting the main question of engrossing for a third reading the bill concerning duties on wool and woollens. (Id. 1027.)

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Votes against engrossing the bill for a third reading. (Id. 1028.)

* *February* 9.—Remarks on the President's message concerning the United States and Georgia. (Reg. 19 C. 2 s. 1826–1827, III. 1032–1034.)

* *February* 10.—Moves to recommit the bill concerning duties on wool and woollens with instructions. (Reg. 19 C. 2 s. 1826–1827, III. 1066–1067.)

Remarks on his motion. (Id. 1078–1070, 1080.)

Votes against laying the bill on the table. (Id. 1087.)

Votes against putting the main question of the passage of the bill. (Id. 1098.)

Votes against the passage of the bill. (Id. 1099.)

February 12.—Presides in Committee of the Whole during the consideration of a bill providing for the exchange of certain United States stock for other stock. (Reg. 19 C. 2 s. 1826–1827, III. 1119.)

* *February* 15.—Remarks on an appropriation for an outfit for the minister at the Congress of Tacubaya. (Reg. 19 C. 2 s. 1826–1827, III. 1188–1189.)

Votes against appropriating $9,000 for the outfit. (Id. 1214.)

* *February* 16.—Remarks on the Military Appropriations Bill, with reference to the appropriation for the continuation of the Cumberland Road. (Reg. 19 C. 2 s. 1826–1827, III. 1220.)

February 19.—Votes in favor of a provision in the Military Appropriations Bill for the Georgia militia claims. (Reg. 19 C. 2 s. 1826–1827, III. 1265.)

Votes in favor of an appropriation in the Military Appropriations Bill for the continuation of the Cumberland Road. (Id. 1265.)

* *February* 20.—Remarks on the Military Appropriations Bill, with reference to an appropriation for surveying routes for roads and canals. (Reg. 19 C. 2 s. 1826–1827, III. 1283–1285.)

February 21.—Votes in favor of an appropriation for surveys. (Reg. 19 C. 2 s. 1826–1827, III. 1332.)

* *February* 23.—Remarks on a bill making appropriations for the repair of public buildings. (Reg. 19 C. 2 s. 1826–1827, III. 1376.)

* *February* 24.—Remarks on a bill for the preservation and repair of the Cumberland Road. (Reg. 19 C. 2 s. 1826–1827, III. 1397, 1398, 1399–1400.)

Moves to amend the bill, and makes remarks thereon. The amendment is agreed to. (Id. 1403, 1404.)

February 26.—Votes for the bill for the preservation and repair of the Cumberland Road. (Reg. 19 C. 2 s. 1826–1827, III. 1418.)

Remarks on a motion to go into Committee of the Whole for the purpose of considering a bill regulating commercial intercourse between the United States and the British colonies. (Id. 1419.)

February 28.—Speaks on the bill regulating commercial intercourse with the British colonies, with reference to exempting the lakes and inland waters of the United States. (Reg. 19 C. 2 s. 1826–1827, III. 1481.)

March 1.—Remarks on the Navy Bill, with reference to a motion to strike out the provision for a Naval Academy. (Reg. 19 C. 2 s. 1826–1827, III. 1497.)

March 2.—Votes against adhering to a House amendment to the bill regulating commercial intercourse with the British colonies. (Reg. 19 C. 2 s. 1826–1827, III. 1531.)

December 20.—Moves an adjournment. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 842.)

December 21.—Votes against a resolution instructing the Committee of Ways and Means to report the bill for the sale of stock held by the United

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States in the Bank of the United States. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 858.)

* *December* 31.—Remarks on a resolution empowering the Committee on Manufactures to ascertain and report facts relating to tariff revision. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 875–876, 877.)

Votes in favor of the resolution as amended. (Id. 889.)

HOUSE OF REPRESENTATIVES (Continued), 1828.

January 5, 1828.—Votes for a resolution to inquire into the expediency of having a picture painted of the battle of New Orleans. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 952.)

* *January* 14.—Offers and speaks upon an amendment to the bill for the preservation and repair of the Cumberland Road, providing for the retrocession of the road to the States through which it passes. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 1004–1005.)

* *January* 16.—Remarks on a resolution as to the court-martial held at Mobile, December 5, 1814, for the trial of certain Tennessee militiamen. Moves an amendment to the resolution calling for a copy of the order issued by Governor Blount to General Jackson. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 1031–1032.)

* *January* 23.—Remarks on a resolution favoring retrenchment. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 1088–1090.)

Votes against an amendment to a bill for the relief of Marigny d'Auterive. (Id. 1122.)

* *January* 24.—Remarks on resolutions favoring retrenchment. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 1136–1138.)

* *January* 26.—Remarks on resolutions favoring retrenchment. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 1189–1191.)

* *February* 4.—Speech on resolutions favoring retrenchment. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 1360–1377.)

February 6.—Remarks on resolutions favoring retrenchment. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 1, 1447.)

* *February* 11.—Remarks on a motion to print the documents relating to the court-martial at Mobile. (Reg. 20 C. 1 s. 1827-1828, IV., pt. 2, 1497.)

* *February* 14.—Remarks on a bill relating to internal improvements. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 1513–1514.)

* *March* 1.—Remarks on a resolution concerning the use of the hall of the House of Representatives. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 1702–1703.)

* *March* 24.—Remarks on a bill relating to the claim of R. W. Meade. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 1967–1968.)

* *March* 27.—Moves to amend the Tariff Bill with reference to duties on woollens. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2038–2039.)

* *March* 28.—Remarks on the Tariff Bill with reference to his amendment. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2039–2045, 2050.)

* *March* 31.—Remarks on a bill relating to the sale of certain public lands. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2052, 2053.)

* *April* 1, 2.—Speech on the Tariff Bill. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2079, 2089–2110.)

April 2.—Votes in favor of the passage of a bill for the relief of the widow of General Brown. (Id. 2089.)

April 4.—Proposes an amendment to the Tariff Bill, which amendment is rejected. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2188.)

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* *April* 8.—Moves amendments to the Tariff Bill, relating to distilled spirits, and makes remarks thereon. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2219, 2221.)

Votes against an amendment to the Tariff Bill. (Id. 2245.)

* *April* 9.—Moves an amendment to the Tariff Bill, relating to duties on woollens, and makes remarks thereon. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2252–2253.)

April 10.—Participates in a discussion on an amendment to the Tariff Bill. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2288.)

Makes remarks as to the order of proceedings. (Id. 2289.)

Votes on various amendments to the Tariff Bill. (Id. 2289.)

Votes against the decision of the Chair on a certain appeal by Cambreleng. The decision of the Chair negatived. (Id. 2305.)

Votes against recommitting the Tariff Bill with instructions. (Id. 2308.)

April 12.—Votes in favor of an amendment to the Tariff Bill. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2313.)

* *April* 15.—Remarks on the Tariff Bill, with reference to the duty on molasses. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2346.)

Votes in favor of putting the main question whether the bill should be engrossed for a third reading. (Id. 2348.)

Votes in favor of engrossing the bill for a third reading. (Id. 2348.)

* *April* 19.—Remarks on a motion to postpone indefinitely the consideration of the Tariff Bill. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2414.)

April 22.—Votes in favor of putting the main question on the passage of the Tariff Bill. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2470.)

Votes in favor of the passage of the bill. (Id. 2471.)

April 24.—Votes in favor of the adoption of a resolution directing the Committee on Military Affairs to report a bill abolishing the office of major-general. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2493.)

* *April* 28.—Remarks on the question as to the proper committee to which to refer a bill to authorize railroad companies to import iron and machinery free of duty. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2505.)

* *April* 30.—Remarks on the date of adjournment. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2541–2542.)

* *May* 1.—Remarks on a bill concerning naturalization. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2555–2556.)

May 12.—Expresses the hope, during consideration of the bill concerning officers of the Revolutionary War, that the Committee of the Whole will rise. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2660.)

May 13.—Votes in favor of the passage of the bill concerning officers of the Revolutionary War. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2670.)

May 14.—Votes in favor of engrossing for a third reading a bill to enlarge the powers of the corporations of Washington, Georgetown, and Alexandria. (Reg. 20 C. 1 s. 1827–1828, IV., pt. 2, 2677.)

* Makes remarks on the bill abolishing the office of major-general. (Id. 2679–2680, 2684–2685.)

Votes in favor of ordering the bill to be engrossed for a third reading. (Id. 2694.)

* *December* 11.—Remarks on extension of the term of exportations with benefit of drawback. (Reg. 20 C. 2 s. 1828–1829, V. 98–99.)

December 16.—Votes against ordering to be engrossed for a third reading the bill increasing the amount of drawback on sugars refined within the United States. (Reg. 20 C. 2 s. 1828–1829, V. 111.)

* *December* 23.—Remarks on a bill authorizing the occupation of the Oregon River. (Reg. 20 C. 2 s. 1828–1829, V. 126.)

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HOUSE OF REPRESENTATIVES (Continued), 1829.

* *January* 15, 1829.—Offers an amendment to the Cumberland Road Bill, providing for the retrocession of several parts of the road to the States through which they pass. (Reg. 20 C. 2 s. 1828–1829, V. 215.)

* *January* 19.—Speech on the Cumberland Road Bill and on his amendment. (Reg. 20 C. 2 s. 1828–1829, V. 240–244.)

* *January* 20.—Remarks on the bill to establish a Territory of Huron. (Reg. 20 C. 2 s. 1828–1829, V. 245.)

February 4.—Votes against engrossing for a third reading the bill to repeal the tonnage duties upon ships and vessels of the United States and upon certain foreign vessels. (Reg. 20 C. 2 s. 1828–1829, V. 318.)

* *February* 6.—Remarks on a proposed amendment to the Constitution, to render the President ineligible for a second term. (Reg. 20 C. 2 s. 1828–1829, V. 320–321.)

* *February* 12.—Speech on the Cumberland Road Bill and his amendment. Amendment rejected. (Reg. 20 C. 2 s. 1828–1829, V. 351, appended, 1–7.)

Offers in the House the same amendment moved by him in Committee of the Whole on January 15th. (Id. 351.)

February 18.—Amendment to the Cumberland Road Bill rejected. (Reg. 20 C. 2 s. 1828–1829, V. 361.)

Moves another amendment, for erection of toll-gates and collection of tolls. Makes remarks on this amendment. (Id. 361.)

Votes against engrossing the bill for a third reading. (Id. 361.)

February 26.—Votes against the passage of the bill to repeal tonnage duties upon ships and vessels of the United States and upon certain foreign vessels. (Reg. 20 C. 2 s. 1828–1829, V. 385.)

* *March* 2.—Offers an amendment to the Cumberland Road Bill, as returned from the Senate, providing for the erection of gates and the collection of toll. Makes remarks on this amendment. (Reg. 20 C. 2 s. 1828–1829, V. 385, 386.)

* *December* 7.—Remarks on the election of a clerk of the House. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 471.)

* *December* 9.—Remarks on the appointment of standing committees of the House. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 472.)

* *December* 15.—Remarks on a resolution for the printing of the annual report of the Secretary of the Treasury. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 475.)

December 29.—Remarks on a bill to regulate the pay and mileage of members of Congress. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 488.)

* *December* 30.—Remarks on a resolution to inquire into the expediency of distributing the proceeds of the sale of public lands. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 489–490.)

HOUSE OF REPRESENTATIVES (Continued), 1830.

* *January* 4, 1830.—Reports on the claim of James Linsey. (House Report 48, 21 C. 1 s.)

* Reports on allowances to jurors. (House Report 49, 21 C. 1 s.)

* Reports on appeals and writs of error. (House Report 50, 21 C. 1 s.)

* Reports on the case of Manuel del Barco. (House Report 51, 21 C. 1 s.)

* *January* 13.—Reports on the lobster fishery. (House Report 79, 21 C. 1 s.)

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* *January* 14.—Speech on a bill establishing circuit courts and abridging the jurisdiction of district courts in certain districts. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 530–537.)

January 19.—Moves that the House go into Committee of the Whole for consideration of the Judiciary Bill. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 540.)

* *February* 10.—Remarks on the Civil Appropriations Bill, with reference to diplomatic expenses. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 558–559.)

* *February* 13.—Report on the boundary between Georgia and Florida. (House Report 191, 21 C. 1 s.)

February 18.—Votes in favor of the passage of a bill for the relief of the widows and orphans of the men on the sloop of war *Hornet*. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 580.)

* *February* 24.—Remarks on a bill relating to the Indian question. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 581.)

* *February* 26.—Remarks on a resolution of inquiry looking to the diminution of the use of ardent spirits in the Navy. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 589.)

* *March* 1.—Remarks on the question of printing a memorial from the Society of Friends in New England on Indian affairs and the Indian question. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 593, 594.)

March 10.—Moves that the House go into Committee of the Whole for the purpose of considering the Judiciary Bill. Motion carried. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 598.)

March 13.—Votes against engrossing for a third reading a bill to remit the duties paid on goods destroyed by fire. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 622.)

* *March* 15.—Report on a resolution for extending patent rights to non-resident foreigners. (House Report 292, 21 C. 1 s.)

* *March* 18.—Remarks on an amendment to the Revolutionary Pensioners Bill. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 628.)

Votes in favor of ordering the bill to be engrossed for a third reading. (Id. 629.)

* *March* 22.—Report on the case of Nicoll and Conard. (House Report 323, 21 C. 1 s.)

* *March* 23.—Report, and remarks thereon, recommending impeachment of Judge Peck. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 637; House Report 325, 21 C. 1 s.)

March 31.—Votes against a resolution relating to the pay of members of Congress. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 720.)

* Remarks on the appropriation for fortifications. (Id. 722.)

* *April* 5.—Remarks on the impeachment of Judge Peck. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 737.)

* *April* 7.—Remarks on the impeachment of Judge Peck. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 746, 747, 748–749, 761.)

* *April* 12.—Report on a bill concerning the terms and compensation of United States district judges. (House Report 355, 21 C. 1 s.)

April 14.—Votes against engrossing for a third reading the bill concerning the Buffalo and New Orleans Road. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 790.)

* *April* 15.—Remarks on a motion to reconsider the vote on the Buffalo and New Orleans Road Bill. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 803.)

April 21.—Moves that the House resolve itself into Committee of the Whole. Motion carried. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 810.)

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Moves to take up the report of the Committee on the Judiciary in the case of Judge Peck. (Id. 810.)

* Speech on the report. (Id., appended, 1–5.)

April 24.—Calls for the yeas and nays on a resolution for the impeachment of Judge Peck. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 818.)

Votes in favor of the resolution. (Id. 818.)

* Motion for the appointment of a committee to impeach Judge Peck before the Senate Committee appointed. (Id. 819.)

* *April* 26.—Message to the Senate on the impeachment of Judge Peck. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 383.)

* *April* 27.—Remarks on a bill for the punishment of crimes in the District of Columbia. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 822, 824.)

* *April* 29.—Report of an article of impeachment of Judge Peck. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 863; id., pt. 1, 411–413; House Report 385, 21 C. 1 s.)

* *April* 30.—Motion to commit the article of impeachment of Judge Peck to the Senate. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 866.)

* *May* 1.—Action on the impeachment of Judge Peck. Motion made thereon. Appointed a member of the committee. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 868–869.)

* *May* 4.—Presentation to the Senate of the article of impeachment of Judge Peck. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 1, 411–413.)

* Report of presentation of the article of impeachment to the Senate. (Id., pt. 2, 872.)

* *May* 11.—Proposes a substitute for the bill to amend the tariff laws, and makes remarks thereon. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 964, 965.)

May 12.—Makes remarks during consideration of the bill to amend the tariff laws. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 977, 978.)

Votes in favor of engrossing the bill for a third reading. (Id. 979.)

May 13.—Votes in favor of the passage of the bill to amend the tariff laws. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 987.)

May 14.—Votes in favor of laying on the table the bill concerning navigation and imposts. (Reg. 21 C. 1 s. 1829–1830, VI., pt. 2, 993.)

December 9.—Votes against an amendment to a resolution referring that part of the President's message relating to the public debt and the revenue to the Committee of Ways and Means, so as to refer that part relating to the Bank of the United States to a select committee. (Reg. 21 C. 2 s. 1830–1831, VII. 354.)

* *December* 10.—Motion for a meeting of the House to make preliminary arrangements for Judge Peck's trial. Motion adopted. (Reg. 21 C. 2 s. 1830–1831, VII. 354.)

* *December* 13.—Report of the replication to Judge Peck's plea. (Reg. 21 C. 2 s. 1830–1831, VII. 354–355.)

Votes against a resolution to inquire into the expediency of repealing the duties on sugar. (Id. 355.)

* Resolution to inform the Senate regarding the impeachment proceedings against Judge Peck. (Id. 356.)

* Remarks on the impeachment of Judge Peck. (Id. 357.)

* Presentation to the Senate of the replication in the case of Judge Peck. (Id. 4.)

December 14.—Votes against a resolution instructing the Committee of Ways and Means to report a bill reducing the duties on various articles. (Reg. 21 C. 2 s. 1830–1831, VII. 359.)

December 16.—Votes in favor of laying on the table a proposed resolu-

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tion for the appointment of a select committee on education. (Reg. 21 C. 2 s. 1830–1831, VII. 364.)

December 17.—Report from the Committee on the Judiciary, of which Buchanan was a member, on the laws relating to copyright. (House Report 3, 21 C. 2 s.)

* Remarks on a bill to establish certain post routes and to discontinue others. (Reg. 21 C. 2 s. 1830–1831, VII. 369.)

December 20.—Remarks on the attendance of the House at the trial of Judge Peck before the Senate. (Reg. 21 C. 2 s. 1830–1831, VII. 378.)

Appears in the Senate, as a court of impeachment, ready to proceed with the trial of Judge Peck. (Id. 19.)

* *December* 23.—Motion as to the attendance of the House at the trial of Judge Peck. (Reg. 21 C. 2 s. 1830–1831, VII. 383.)

Argues before the High Court of Impeachment in the case of Judge Peck, as to the admissibility of certain evidence. (Id. 19.)

December 27.—Motion as to the attendance of the House at the trial of Judge Peck. (Reg. 21 C. 2 s. 1830–1831, VII. 384.)

December 28.—Motion as to the attendance of the House at the trial of Judge Peck. (Reg. 21 C. 2 s. 1830–1831, VII. 386.)

December 29.—Remarks on the proceedings in the case of Judge Peck before the High Court of Impeachment. Rests the case of the United States. (Reg. 21 C. 2 s. 1830–1831, VII. 23, 24.)

December 30.—Votes in favor of laying on the table a resolution relating to the mileage of members of Congress. (Reg. 21 C. 2 s. 1830–1831, VII. 391.)

HOUSE OF REPRESENTATIVES (Continued), 1831.

* *January* 4, 1831.—Remarks on the attendance of the House at the trial of Judge Peck. (Reg. 21 C. 2 s. 1830–1831, VII. 399.)

January 14.—Votes against Hall's amendment to the proposed resolution relating to the mileage of members of Congress. (Reg. 21 C. 2 s. 1830–1831, VII. 510.)

* Moves the consideration of the bill for the relief of insolvent debtors. (Id. 510.)

January 18.—Remarks on the trial of Judge Peck. (Reg. 21 C. 2 s. 1830–1831, VII. 33–34.)

* *January* 24.—Reports on the bill to repeal section 25 of the Judiciary Act of September 4, 1789. Mr. Davis' majority report. Mr. Buchanan's minority report. (House Report 43, 21 C. 2 s.; Reg. 21 C. 2 s. 1830–1831, VII. 532; id., Appendix, lxxvii–lxxxvi.)

Submission of reports. (Reg. 21 C. 2 s. 1830–1831, VII. 532.)

* *January* 25.—Remarks on consideration of the bill to repeal the 25th section of the Judiciary Act. (Reg. 21 C. 2 s. 1830–1831, VII. 533.)

* Presents minority report from the Committee on the Judiciary on the bill. (Id. 535.)

* *January* 28–29.—Argument, in the Senate, for the conviction of Judge Peck. (Arthur J. Stansbury, Report of the Trial of James H. Peck, 425–473; Reg. 21 C. 2 s. 1830–1831, VI. 40–41, 44.)

January 29.—Votes in favor of the rejection of the bill to repeal the 25th section of the Judiciary Act of September 4, 1789. (Reg. 21 C. 2 s. 1830–1831, VII. 542.)

January 31.—Remarks in support of a bill for the relief of James Monroe. (Reg. 21 C. 2 s. 1830–1831, VII. 546.)

February 1.—Votes against an amendment to the bill for the relief of James Monroe. (Reg. 21 C. 2 s. 1830–1831, VII. 568.)

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* *February* 2.—Remarks on the bill for the relief of James Monroe. (Reg. 21 C. 2 s. 1830–1831, VII. 574.)

February 3.—Votes in favor of ordering to be engrossed for a third reading the bill for the relief of James Monroe. (Reg. 21 C. 2 s. 1830–1831, VII. 574.)

February 4.—Votes in favor of the passage of the bill for the relief of James Monroe. (Reg. 21 C. 2 s. 1830–1831, VII. 614.)

* *February* 7.—Remarks against a motion to print 3,000 additional copies of the majority and minority reports on the question of repealing section 25 of the Judiciary Act of 1789. (Reg. 21 C. 2 s. 1830–1831, VII. 620.)

* *February* 8.—Remarks on a motion to strike from the General Appropriation Bill an appropriation for the salary of the minister to Russia. (Reg. 21 C. 2 s. 1830–1831, VII. 654–656.)

Report from the Committee on the Judiciary, rejecting the memorial of William A. Tennille. (House Report 72, 21 C. 2 s.)

February 9.—Votes in favor of putting the main question of engrossing for a third reading the General Appropriation Bill. (Reg. 21 C. 2 s. 1830–1831, VII. 677.)

* Remarks on the bill for the relief of insolvent debtors. Moves that the House go into Committee of the Whole to consider the bill. Moves an amendment appropriating $5,000 to carry the bill into effect. (Id. 678.)

February 11.—Remarks and motion on a bill to extend further the patent of Samuel Browning. (Reg. 21 C. 2 s. 1830–1831, VII. 679, 680.)

Moves that the Committee of the Whole rise, and report to the House the bill to compensate Susan Decatur, widow of Captain Stephen Decatur. (Id. 681.)

Votes in favor of engrossing the latter bill for a third reading. (Id. 681.)

February 14.—Votes in favor of considering a motion to refer certain memorials to the Committee on Indian Affairs, with instructions to report a bill concerning relations with the Indians. (Reg. 21 C. 2 s. 1830–1831, VII. 684.)

February 15.—Votes in favor of ordering to be engrossed for a third reading the bill for the relief of Susan Decatur. The bill was again rejected. (Reg. 21 C. 2 s. 1830–1831, VII. 718.)

February 16.—Votes in favor of ordering to be engrossed for a third reading the bill for the relief of officers and soldiers of the Revolution. (Reg. 21 C. 2 s. 1830–1831, VII. 730.)

February 18.—Votes in favor of ordering to be engrossed for a third reading the bill for improving the navigation of rivers and harbors, etc. (Reg. 21 C. 2 s. 1830–1831, VII. 755.)

February 22.—Moves the printing of 3,000 additional copies of the reports of a committee on foreign and United States coins. (Reg. 21 C. 2 s. 1830–1831, VII. 775.)

Votes in favor of ordering to be engrossed for a third reading the bill for the erection of an armory on the Western waters. (Id. 778.)

* Remarks on the bill for the relief of certain insolvent debtors of the United States. (Id. 778–780.)

Moves an amendment to the Insolvent Debtors Bill, appropriating $3,000 for the expenses of the act; which is agreed to. (Id. 781.)

February 23.—Remarks on a bill for the preparation of a code of statute laws for the District of Columbia. (Reg. 21 C. 2 s. 1830–1831, VII. 786.)

February 24.—Remarks on a bill for carrying on certain roads and works of internal improvement, with reference to a motion to strike out the appropriation for surveys. (Reg. 21 C. 2 s. 1830–1831, VII. 789.)

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Votes against the motion to strike out this appropriation. The motion was defeated. (Id. 789.)

February 26.—Votes in favor of the passage of a bill for a subscription to a compilation of Congressional documents. (Reg. 21 C. 2 s. 1830–1831, VII. 320.)

* *February* 28.—Remarks on the Indian question, during the consideration of the Indian Appropriation Bill. (Reg. 21 C. 2 s. 1830–1831, VII. 827.)

SENATE, 1834.

December 8, 1834.—The Chair communicates to the Senate the credentials of James Buchanan, elected a Senator by the Pennsylvania Legislature, to supply the vacancy occasioned by the resignation of William Wilkins. (G. 23 C. 2 s. 1834–1835, II. 17; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 5.)

December 15.—Appears as a Senator from Pennsylvania, qualifies, and takes his seat. (G. 23 C. 2 s. 1834–1835, II. 36; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 7.)

December 16.—Appointed a Senate member of the joint committee of the two Houses on arrangements on the occasion of General Lafayette's death. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 7.)

December 22.—Presents petitions. (G. 23 C. 2 s. 1834–1835, II. 53.)

December 27.—Moves that the petition of Thomas Anderson be referred to the Committee on Foreign Relations. (G. 23 C. 2 s. 1834–1835, II. 77.)

SENATE (Continued), 1835.

January 2, 1835.—Votes in favor of engrossing for a third reading a bill to exempt merchandise imported under certain circumstances from the operation of the Tariff Act of 1828. (G. 23 C. 2 s. 1834–1835, II. 86; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 83.)

Votes against engrossing for a third reading a bill for the improvement of the Wabash River. (Id. 87; id. 89.)

* *January* 5.—Remarks on the bill to exempt merchandise imported under certain circumstances from the operation of the Tariff Act of 1828. (G. 23 C. 2 s. 1834–1835, II. 92; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 92–93.)

January 6.—Presents a petition or memorial. (G. 23 C. 2 s. 1834–1835, II. 95.)

Votes against a motion to print 20,000 copies of a report of the Committee on Foreign Relations upon relations with France. (G. 23 C. 2 s. 1834–1835, II. 96; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 108.)

January 7.—Votes against the passage of the bill for the improvement of the Wabash River. (G. 23 C. 2 s. 1834–1835, II. 102; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 114.)

January 14.—Presents a petition or memorial. (G. 23 C. 2 s. 1834–1835, II. 123.)

Remarks on a resolution concerning relations with France. (G. 23 C. 2 s. 1834–1835, II. 125, 126; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 206–208, 210, 213.)

Votes in favor of a resolution declaring it inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France. (Id. 127; id. 215.)

January 15.—Remarks on a proposed amendment to the Constitution in relation to the election of President and Vice-President. (G. 23 C. 2 s. 1834–1835, II. 129; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 217.)

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Remarks on a joint resolution authorizing the sale of certain animals presented to the President by the Emperor of Morocco. (Id. 129; id. 218.)

January 16.—Votes on various amendments to a bill for completing a certain road in Alabama. (G. 23 C. 2 s. 1834–1835, II. 132.)

January 18.—Votes against ordering to be engrossed for a third reading a bill for the relief of the legal representatives of Moses Shepherd. (G. 23 C. 2 s. 1834–1835, II. 138; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 224.)

January 19.—Remarks on a bill authorizing Alabama to apply the two per cent. fund arising from the sale of public lands in that State, reserved for roads in Alabama, to education. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 231–232.)

January 20.—Votes in favor of recommitting, with instructions, the bill for the relief of the heirs of Moses Shepherd. (G. 23 2 s. 1834–1835, II. 142; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 234.)

January 23.—Votes in favor of engrossing for a third reading a bill for the relief of the heirs of Lucy Bond and Hannah Douglass. (G. 23 C. 2 s. 1834–1835, II. 154.)

January 28.—Votes against a motion to lay on the table resolutions of the Alabama Legislature relative to the removal of public deposits from the Bank of the United States. (G. 23 C. 2 s. 1834–1835, II. 177; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 268.)

Votes against a motion to print 20,000 copies of the report of the Committee on the Post Office and Post Roads. (Id. 177; id. 272.)

Votes in favor of ordering to be engrossed for a third reading the bill making compensation for French spoliations prior to 1800. (Id. 177; id. 272.)

February 3.—Presents a memorial praying for an appropriation to improve the Monongahela River. (G. 23 C. 2 s. 1834–1835, II. 189.)

Votes in favor of the bill making compensation for French spoliations prior to 1800. (Id. 190; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 282.)

February 5.—Offers a resolution relating to the claim of Valentine Geisey, late superintendent of the Cumberland Road. The resolution was adopted. (G. 23 C. 2 s. 1834–1835, II. 200.)

Votes against ordering to be engrossed for a third reading a bill to purchase certain pictures for the President's house. The bill was rejected. (Id. 200; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 313.)

**February* 6.—Remarks on a bill to change the organization of the General Post Office. (G. 23 C. 2 s. 1834–1835, II. 206–207; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 343–344.)

February 7.—Votes against an amendment to the Post Office Bill, making it the duty of the Postmaster-General to contract for the carrying of a daily mail between New Orleans and Mobile. The amendment was rejected. (G. 23 C. 2 s. 1834–1835, II. 210.)

Votes in favor of an amendment to the Post Office Bill, providing that every post route should be separately bid for and a separate contract made. The amendment was agreed to. (Id. 211; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 358.)

Remarks on an amendment to the Post Office Bill, providing that any bidder who failed to obtain the main route, but obtained a subordinate route, might give up the latter. (Id. 211; id. 358.)

Votes against an amendment to the Post Office Bill, prohibiting mail contractors from running opposition passenger coaches on a route taken by a regular mail contractor. (Id. 211; id. 360.)

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Votes in favor of engrossing the Post Office Bill for a third reading. (Id. 211; id. 360.)

February 9.—Votes in favor of a motion to print 10,000 copies of a report on executive patronage. (G. 23 C. 2 s. 1834–1835, II. 221; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 392.)

* *February* 10.—Remarks on an amendment to the bill fixing the number and salaries of custom-house officers, increasing the salary of the Collector at Sandusky from $400 to $600 per annum. (G. 23 C. 2 s. 1834–1835, II. 224; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 398.)

February 11.—Presents a petition or memorial. (G. 23 C. 2 s. 1834–1835, II. 226.)

* Remarks on a bill for the continuation and repair of the Cumberland Road. (G. 23 C. 2 s. 1834–1835, II. 227–228, 228, 228–229; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 400–402, 405–406, 411–412.)

Votes against a motion to strike out the second and third sections of the Cumberland Road Bill, providing for an appropriation of $346,000 to repair the road east of Ohio, and for the retrocession of the road when completed. (Id. 229; id. 413.)

February 13.—Votes in favor of sustaining the decision of the Chair as to the propriety of certain remarks made by Colonel Benton during a debate on the bill to repeal the act of 1820 limiting the terms of civil officers. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 432.)

February 14.—Remarks on a bill to repeal the first two sections of the act of 1820 limiting the terms of civil officers. (G. 23 C. 2 s. 1834–1835, II. 243; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 455.)

February 16.—Votes against engrossing the above bill for a third reading. (G. 23 C. 2 s. 1834–1835, II. 251; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 491.)

* *February* 17.—Speech on the above bill. (Reg. 23 C. 2 s. XI., pt. 1, 495–503; G. 23 C. 2 s. 1834–1835, II. 256.)

February 18.—Votes in favor of engrossing for a third reading a bill to grant a township of land to certain exiles from Poland. It was so ordered. (G. 23 C. 2 s. 1834–1835, II. 260; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 513.)

February 19.—Votes against engrossing for a third reading a bill for the relief of Charles J. Catlett, for property destroyed by British troops during the War of 1812. The bill was rejected. (G. 23 C. 2 s. 1834–1835, II. 265; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 536.)

Introduces a bill to suspend further the operation of certain provisions of the Tariff Act of 1834. (G. 23 C. 2 s. 1834–1835, II. 265.)

February 20.—Remarks on an amendment to the bill to repeal the first two sections of the act of 1820, so as to provide that deliberations of the Senate on nominations shall be with open doors. Votes against the amendment, which was rejected. (G. 23 2 s. 1834–1835, II. 273; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 571.)

* *February* 21.—Remarks on a memorial of citizens of Massachusetts praying the passage of a non-intercourse law with France. (G. 23 C. 2 s. 1834–1835, II. 276.)

Votes against the passage of the bill to repeal the first two sections of the act of 1820, limiting the terms of certain civil officers. The bill was passed. (Id. 276; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 576.)

Votes in favor of a motion to postpone the consideration of the bill to establish branches of the United States Mint. (Id. 276; id. 580.)

Votes in favor of recommitting the bill to the Committee on Finance. (Id. 276; id. 580.)

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Votes in favor of postponing the bill. (Id. 276; id. 580.)

Votes on various amendments to the bill reducing the salaries of certain officers in branch mints. (Id. 276, 277; id. 581.)

Offers a resolution to inquire into the expediency of repairing Fort Mifflin and constructing pier batteries in the Delaware River. (Id. 277.)

* *February* 23.—Remarks on a bill for the consolidation of certain United States circuit courts. (G. 23 C. 2 s. 1834–1835, II. 280; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 591–592.)

Makes a motion to recommit the bill with instructions to amend it so as to create two new circuits. (Id. 280; id. 591.)

Votes against an amendment to his motion. (Id. 281; id. 594.)

Remarks on an amendment to the Fortifications Bill, providing for the repair of Fort Mifflin. (Id. 281.)

Remarks on an amendment to the Fortifications Bill, increasing the appropriation for Fort Delaware. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 594.)

February 24.—Presents a petition or memorial. (G. 23 C. 2 s. 1834–1835, II. 283.)

Votes in favor of recommitting with instructions the bill for establishing branches of the United States Mint. Votes against the bill. (G. 23 C. 2 s. 1834–1835, II. 285, 286; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 613.)

Votes in favor of the bill for the consolidation of certain United States circuit courts, as reported by the Judiciary Committee in accordance with the instructions of the Senate. (Id. 286; id. 614.)

February 25.—Remarks on a bill for the benefit of the cities of Washington, Georgetown, and Alexandria, D. C. (G. 23 C. 2 s. 1834–1835, II. 289; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 618.)

Votes in favor of the engrossment of the bill for a third reading. It was so ordered. (Id. 289; id. 619.)

Moves an amendment to the bill regulating the deposit of public money in State banks so as to strike out the half from the provision of two and a half per cent., the sum to be paid for the use of public money deposited. (Id. 289; id. 621.)

Remarks on the bill. (Id. 289; id. 621.)

February 26.—Votes in favor of an amendment to the bill regulating the deposit of public money, providing that each bank of deposit should render the same services to the Government as were rendered by the Bank of the United States. The amendment was adopted. (G. 23 C. 2 s. 1834–1835, II. 296; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 623.)

Votes against an amendment to the bill, requiring the monthly returns to be made by the deposit banks to be communicated to Congress. (Id. 296; id. 623.)

* Remarks on an amendment to the bill, requiring deposit banks to have on hand an amount of specie and specie-paying bank-notes equal to one-fourth of their liabilities. Votes against the amendment, which was rejected. Votes in favor of an amendment requiring one-fifth, which amendment was agreed to. (Id. 297–298; id. 629.)

Remarks against the bill. (Id. 296–297; id. 629–630.)

Votes against engrossing the bill for a third reading. (Id. 298; id. 630.)

February 27.—Votes against the passage of the bill to regulate the deposit of public money in the State banks. The bill was passed. (G. 23 C. 2 s. 1834–1835, II. 300; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 660.)

February 28.—Votes against proceeding with the election of a public printer. (G. 23 C. 2 s. 1834–1835, II. 308; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 697.)

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Votes in favor of postponing the subject. (Id. 308; id. 697, 698.)

March 2.—Remarks on a resolution with regard to furnishing Senators with Gales and Seaton's Register of Debates. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 700, 701; G. 23 C. 2 s. 1834–1835, II. 314, 315.)

Votes in favor of a motion to consider the resolution. (G. 23 C. 2 s. 1834–1835, II. 314.) Votes in favor of an amendment to furnish each Senator with the volumes published since the last distribution, which was agreed to. (Id. 314.) Votes in favor of the resolution, which was adopted. (Id. 314.)

*Remarks on an amendment to the General Appropriation Bill, to strike out the salary and outfit of a minister to Great Britain. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 703–704; G. 23 C. 2 s. 1834–1835, II. 315.)

Votes against the amendment. (Id. 714.)

Votes aye on the adoption of the report of a select committee that no suspicion existed that General Poindexter was concerned in an attempted assassination of the President. (G. 23 C. 2 s. 1834–1835, II. 315; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 714.)

Remarks on an amendment to the General Appropriation Bill, in favor of certain custom-house officers. Votes in favor of the amendment, which was agreed to. (Id. 315; id. 714.)

Votes in favor of taking up for consideration the resolution for expunging from the journal of the Senate the resolution condemning the President. (Id. 315; id. 715.)

Votes against an amendment to the bill making appropriations for the Delaware breakwater and for certain harbors, adding an appropriation of $10,000 for the construction of a harbor at Michigan City. (Id. 317; id. 716.)

March 3.—Votes in favor of taking up the consideration of the resolution for expunging from the journal of the Senate the resolution condemning the President. (G. 23 C. 2 s. 1834–1835, II. 324; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 723.)

Participates in a discussion on the foregoing resolution. (Id. 324; id. 725.)

Votes in favor of an amendment to the resolution, to the effect that the resolution of March 28, 1834, should be "rescinded, repealed, reversed, and declared null and void," instead of expunged. (Id. 325; id. 726.) Votes against a motion to table the whole subject. (Id. 325; id. 727.)

Votes against a motion to print 5,000 additional copies of a report on the subject of frauds in the sales of public lands. (Id. 325; id. 728.)

Votes against an amendment to the Chesapeake and Ohio Canal Bill, inserting an appropriation of $300,000. The amendment was lost. (Id. 325; id. 729.)

*Remarks on an amendment to the Fortifications Bill, appropriating $3,000,000 for defence, provided there shall be necessity for it before the following session of Congress. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 734–735; Niles' Weekly Register, March 21, 1835, XLVIII. 53; G. 23 C. 2 s. 1834–1835, II. 326.)

Votes against the amendment. (G. 23 C. 2 s. 1834–1835, II. 326; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 738.)

December 7.—Appears as a Senator from Pennsylvania. (G. 24 C. 1 s. 1835–1836, III. 1.)

December 16.—Receives 2 votes for the chairmanship of the Committee on Manufactures against Senator McKnight, who had 22 votes. (G. 24 C. 1 s. 1835–1836, III. 23.)

On the election of chairman of the Committee on the Judiciary,

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Votes in favor of postponing the bill. (Id. 276; id. 580.)

Votes on various amendments to the bill reducing the salaries of certain officers in branch mints. (Id. 276, 277; id. 581.)

Offers a resolution to inquire into the expediency of repairing Fort Mifflin and constructing pier batteries in the Delaware River. (Id. 277.)

* *February* 23.—Remarks on a bill for the consolidation of certain United States circuit courts. (G. 23 C. 2 s. 1834–1835, II. 280; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 591–592.)

Makes a motion to recommit the bill with instructions to amend it so as to create two new circuits. (Id. 280; id. 591.)

Votes against an amendment to his motion. (Id. 281; id. 594.)

Remarks on an amendment to the Fortifications Bill, providing for the repair of Fort Mifflin. (Id. 281.)

Remarks on an amendment to the Fortifications Bill, increasing the appropriation for Fort Delaware. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 594.)

February 24.—Presents a petition or memorial. (G. 23 C. 2 s. 1834–1835, II. 283.)

Votes in favor of recommitting with instructions the bill for establishing branches of the United States Mint. Votes against the bill. (G. 23 C. 2 s. 1834–1835, II. 285, 286; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 613.)

Votes in favor of the bill for the consolidation of certain United States circuit courts, as reported by the Judiciary Committee in accordance with the instructions of the Senate. (Id. 286; id. 614.)

February 25.—Remarks on a bill for the benefit of the cities of Washington, Georgetown, and Alexandria, D. C. (G. 23 C. 2 s. 1834–1835, II. 289; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 618.)

Votes in favor of the engrossment of the bill for a third reading. It was so ordered. (Id. 289; id. 619.)

Moves an amendment to the bill regulating the deposit of public money in State banks so as to strike out the half from the provision of two and a half per cent., the sum to be paid for the use of public money deposited. (Id. 289; id. 621.)

Remarks on the bill. (Id. 289; id. 621.)

February 26.—Votes in favor of an amendment to the bill regulating the deposit of public money, providing that each bank of deposit should render the same services to the Government as were rendered by the Bank of the United States. The amendment was adopted. (G. 23 C. 2 s. 1834–1835, II. 296; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 623.)

Votes against an amendment to the bill, requiring the monthly returns to be made by the deposit banks to be communicated to Congress. (Id. 296; id. 623.)

* Remarks on an amendment to the bill, requiring deposit banks to have on hand an amount of specie and specie-paying bank-notes equal to one-fourth of their liabilities. Votes against the amendment, which was rejected. Votes in favor of an amendment requiring one-fifth, which amendment was agreed to. (Id. 297–298; id. 629.)

Remarks against the bill. (Id. 296–297; id. 629–630.)

Votes against engrossing the bill for a third reading. (Id. 298; id. 630.)

February 27.—Votes against the passage of the bill to regulate the deposit of public money in the State banks. The bill was passed. (G. 23 C. 2 s. 1834–1835, II. 300; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 660.)

February 28.—Votes against proceeding with the election of a public printer. (G. 23 C. 2 s. 1834–1835, II. 308; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 697.)

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Votes in favor of postponing the subject. (Id. 308; id. 697, 698.)

March 2.—Remarks on a resolution with regard to furnishing Senators with Gales and Seaton's Register of Debates. (Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 700, 701; G. 23 C. 2 s. 1834–1835, II. 314, 315.)

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Votes against the amendment. (Id. 714.)

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Votes in favor of taking up for consideration the resolution for expunging from the journal of the Senate the resolution condemning the President. (Id. 315; id. 715.)

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Votes against the amendment. (G. 23 C. 2 s. 1834–1835, II. 326; Reg. 23 C. 2 s. 1834–1835, XI., pt. 1, 738.)

December 7.—Appears as a Senator from Pennsylvania. (G. 24 C. 1 s. 1835–1836, III. 1.)

December 16.—Receives 2 votes for the chairmanship of the Committee on Manufactures against Senator McKnight, who had 22 votes. (G. 24 C. 1 s. 1835–1836, III. 23.)

On the election of chairman of the Committee on the Judiciary,

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Buchanan received 16 votes against 22 for Clayton. (Id. 24; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 12.)

December 17.—Elected a member of the Committee on the Judiciary. (G. 24 C. 1 s. 1835–1836, III. 26; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 13.)

* *December* 21.—Remarks on a motion to refer to a select committee that part of the President's message relating to the transmission through the mails of incendiary publications on slavery. (G. 24 C. 1 s. 1835–1836, III. 36; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 28.)

* *December* 22.—Remarks on a motion to receive the Senators from Michigan as spectators until a decision on the application of that State for admission. (G. 24 C. 1 s. 1835–1836, III. 43; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 41.)

December 24.—Presents a petition of Pennsylvania citizens as to the importation of iron. (G. 24 C. 1 s. 1835–1836, III. 49.)

December 29.—Votes in favor of a resolution to supply Senators with the usual newspapers. (Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 54.)

December 30.—Moves to grant leave to Thomas W. Anderson to withdraw his petition from the Senate files. (G. 24 C. 1 s. 1835–1836, III. 58.)

SENATE (Continued), 1836.

* *January* 4, 1836.—Remarks on the Judicial System Bill. (G. 24 C. 1 s. 1835–1836, III. 66, 67; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 59, 62.)

Votes against an amendment as to the second judicial district. (Id. 67; id. 63.)

* *January* 5.—Moves amendments to the Judicial System Bill. (G. 24 C. 1 s. 1835–1836, III. 68; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 68.)

January 6.—Report on the memorial of James Smith. (G. 24 C. 1 s. 1835–1836, III. 70.)

Votes aye on the passage of the Judicial System Bill. (Id. 70; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 65.)

* Remarks on a proposed resolution concerning the regulation of the Senate Chamber and galleries. (Id. 72; id. 70.)

Votes against an amendment allowing each Senator to admit into the circular gallery a [blank] number of persons. (Id. 72; id. 71.)

Votes for an amendment opening the circular gallery to spectators. Votes in favor of an amendment allowing each Senator to admit a number of persons into the lobby of the Senate. (Id. 72; id. 71.)

Votes in favor of the resolution as amended. (Id. 72; id. 72.)

* *January* 7.—Remarks on petitions for the abolition of slavery in the District of Columbia. (G. 24 C. 1 s. 1835–1836, III. 76–77; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 82–85.)

Moves that the whole subject be postponed. (Id. 77; id. 85.)

January 11.—Presents a memorial of citizens of Philadelphia for the erection of certain piers and light-houses. (G. 24 C. 1 s. 1835–1836, III. 83.)

* Remarks on a memorial presented by him for the abolition of slavery in the District of Columbia. (Id. 83; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 99.)

Votes against engrossing for a third reading the bill to repeal the 1st and 2d sections of an act to limit the terms of certain civil officers. (Id. 84; id. 104.)

* *January* 13.—Remarks on a bill for the relief of sufferers by the fire at New York on December 16, 1835. (G. 24 C. 1 s. 1835–1836, III. 99; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 125–126.)

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Votes against a proposal to strike out a clause for the extension of payment of certain bonds given for duties at the port of New York. (Id. 100; id. 129.)

Remarks on an amendment to the bill. (Id. 100; id. 129.)

* *January* 18.—Remarks on the President's messages relating to affairs with France. (G. 24 C. 1 s. 1835–1836, III. 113–114, 115; Reg. 24 C. 1 s 1835–1836, XII., pt. 1, 168–169, 177–178.)

Presents a memorial from insurance interests in Philadelphia, in relation to New Castle. (Id. 115.)

January 19.—Moves that the petition presented by him praying for the abolition of slavery in the District of Columbia, and his motion to reject it, be taken up for consideration. Motion agreed to. (G. 24 C. 1 s. 1835–1836, III. 122; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 209.)

January 20.—Moves that the Senate proceed to the consideration of executive business. Motion carried. (G. 24 C. 1 s. 1835–1836, III. 125; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 233.)

January 21.—Moves that when the Senate adjourn, it adjourn to the Monday following. (G. 24 C. 1 s. 1835–1836, III. 127.)

January 25.—Presents memorials concerning improvements in the Delaware River, and the abolition of slavery in the District of Columbia. (G. 24 C. 1 s. 1835–1836, III. 136.)

January 26.—Votes on a motion to refer a petition from the Michigan Legislature for the admission of that State into the Union. (G. 24 C. 1 s. 1835–1836, III. 141; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 289.)

January 28.—Remarks on a petition for the abolition of slavery in the District of Columbia. Moves to lay the question on the table, which was agreed to. (G. 24 C. 1 s. 1835–1836, III. 147; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 302–303.)

February 1.—Presents a memorial for the importation of a church bell free of duty. (G. 24 C. 1 s. 1835–1836, III. 156.)

* *February* 1–2.—Speech on a resolution for appropriating the surplus revenue to the national defence. (G. 24 C. 1 s. III., Appendix, 60–70; G. 24 C. 1 s. III. 157, 160; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 325–356.)

February 3.—Remarks during the discussion on the foregoing resolution. (G. 24 C. 1 s. 1835–1836, III., Appendix, 72.)

February 4.—Introduces a resolution concerning the regulations as to the use of the circular lobby of the Senate. (G. 24 C. 1 s. 1835–1836, III. 165.)

February 9.—Presents a memorial for the removal of negroes to Africa. Makes remarks and motions concerning this memorial. (G. 24 C. 1 s. 1835–1836, III. 173; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 442.)

Presents the petition of Elizabeth Flicker, widow of Henry Richardson, for relief. (Id. 173.)

Remarks on the resolution for appropriating the surplus revenue to the national defence. (Id., Appendix, 80.)

* *February* 12.—Remarks on a memorial for the abolition of slavery in the District of Columbia. (G. 24 C. 1 s. 1835–1836, III., Appendix, 93–94; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 496; G. 24 C. 1 s. 1835–1836, III. 180.)

Moves that when the Senate adjourn, it adjourn to the Monday following. (Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 497.)

February 15.—Presents a memorial for the increase of the salaries of inspectors of the port of Philadelphia. (G. 24 C. 1 s. 1835–1836, III. 185.)

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February 16.—Makes a report from the Committee on the Judiciary on the petition of Thomas Tenant. (G. 24 C. 1 s. 1835–1836, III. 188.)

Remarks on a resolution relating to the admission of ladies into the Senate circular lobby. (Id. 188; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 531.)

Votes against striking out the clause which allows each Senator to admit three persons. (G. 24 C. 1 s. 1835–1836, III. 188.)

Votes against an amendment that the circular gallery be appropriated to ladies and to gentlemen accompanying them. (Id. 188; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 532.)

Votes in favor of the original resolution. (Id. 188; id. 532.)

February 18.—Votes against laying on the table the resolution for appropriating the surplus revenue to the national defence. Votes against a motion to strike out the word "surplus." (G. 24 C. 1 s. 1835–1836, III. 192, 193; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 572.)

Remarks on the resolution. (Id., Appendix, 117; id. 576; G. 24 C. 1 s. 1835–1836, III. 193.)

February 19.—Presents the petition of Russell Jarvis for an appropriation for testing an invention. (G. 24 C. 1 s. 1835–1836, III. 197.)

Votes against third reading of a bill for the relief of Moses Shepherd. (Id. 198; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 580.)

February 22.—Moves the printing of 5,000 extra copies of the President's message on the mediation of Great Britain in the disagreement with France, which was agreed to. (G. 24 C. 1 s. 1835–1836, III. 200; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 590.)

February 25.—Remarks on taking up a memorial on the abolition of slavery. (Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 615.)

Moves to consider executive business, which was agreed to. (Id. 615.)

* *February* 26.—Remarks on the bill for the continuation of the Cumberland Road in Ohio, Indiana, and Illinois. (G. 24 C. 1 s. 1835–1836, III. 208. Appendix, 165; Reg. 24 C. 1 s. 1835–1836, XII., pt. 4, 4633–4635, pt. 1, 635.)

February 29.—Presents memorials for a light-house on the New Jersey coast. (G. 24 C. 1 s. III. 213.)

* Remarks on a memorial of the Society of Friends of Lancaster County, Pennsylvania, for the abolition of slavery in the District of Columbia. (Id. Appendix, 135, 323.)

* *March* 1.—Remarks on a report concerning the Ohio and Michigan boundary. (G. 24 C. 1 s. III. 215; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 664.)

* *March* 2.—Speech in opposition to Calhoun's motion against the reception of the petition of the Society of Friends of Lancaster County, Pennsylvania, and in support of his own motion to reject the prayer of the petitioners. (G. 24 C. 1 s. 1835–1836, III. 219, Appendix, 181–185; Reg. 24 C. 1 s. XII., pt. 1, 679–690.)

March 4.—Votes on various amendments to the Cumberland Road Bill, substituting an appropriation of $100,000 instead of $350,000 for the road in Indiana. The amendment was rejected. (G. 24 C. 1 s. 1835–1836, III. 226; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 724, 725.)

Votes against an amendment to the bill, substituting $200,000 instead of $320,000 for the road in Ohio. The amendment was agreed to. (Id. 226; id. 721.)

Votes against an amendment to limit the purposes of the appropriation for the road in Illinois. The amendment was agreed to. (Id. 227; id. 724.)

Votes against an amendment appropriating $150,000 for the repair of

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the road from Chattahoochie to Chotocton, and from Mobile to New Orleans. (Id. 227; id. 725.)

March 7.—Presents the petition of John Gardner for compensation for horses lost in the War of 1812. (G. 24 C. 1 s. 1835–1836, III. 229.)

March 9.—Votes in favor of reception of the petition of the Society of Friends of Lancaster, Pennsylvania, for the abolition of slavery in the District of Columbia. The question was decided affirmatively. (G. 24 C. 1 s. 1835–1836, III. 239; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 779.)

* Remarks on an amendment concerning the abolition of slavery in the District of Columbia. (Id. 239–240; id. 780–781.)

March 10.—Moves to refer the President's message relating to the formation of a constitution and State government for the Territory of Arkansas to a select committee of five. The motion was carried. (G. 24 C. 1 s. 1835–1836, III. 240; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 782.)

Votes in favor of laying on the table a motion to take up the bill relating to the boundary between Ohio and Michigan. (Id. 241; id. 785.)

Votes against a motion to lay on the table the subject of the petition of the Society of Friends, and Clay's amendment to the motion to reject the prayer. (Id. 242; id. 787.)

Votes against an amendment to the bill relating to the boundary between Ohio and Michigan, giving assent to the boundary fixed in the constitution of Ohio. The amendment was rejected. Votes in favor of engrossing the bill for a third reading. (Id. 242; id. 799.)

March 11.—Presents the petition of Brigadier-General John P. de Haas. (G. 24 C. 1 s. 1835–1836, III. 245.)

Votes on various amendments to the Cumberland Road Bill. (Id. 246; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 802, 803.)

Votes in favor of ordering the bill to be engrossed for a third reading, which was done. (Id. 247; id. 803.)

Votes against two amendments to his motion to reject the prayer of the petition of the Society of Friends, of Lancaster, Pennsylvania, for the abolition of slavery in the District of Columbia, declaring legislation on the subject inexpedient. The amendments were rejected. (Id. 247; id. 804.) Votes in favor of his motion to reject the prayer, which was carried. (Id. 248; id. 810.)

March 14.—Remarks on a motion to consider the bill to appropriate for a limited time the proceeds of sales of public lands. Votes against the motion. (G. 24 C. 1 s. 1835–1836, III. 252; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 810.)

Moves the election of a select committee to consider the proposed constitution of Arkansas. Elected chairman of the committee. (Id. 252.)

March 15.—Remarks on the motion to consider the bill to appropriate for a limited time the proceeds of sales of public lands. Votes against the motion. (G. 24 C. 1 s. 1835–1836, III. 255; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 811.)

Votes against a motion to adjourn. Remarks on the Land Bill. Moves that the Senate proceed to consider executive business, which was agreed to. (Id. 255; id. 833.)

March 16.—Presents petitions. (G. 24 C. 1 s. 1835–1836, III. 258, 259.)

March 21.—Lays on the table resolutions of the Pennsylvania Legislature relating to the proceeds of the sales of public lands, and for the defence of the country. (G. 24 C. 1 s. 1835–1836, III. 271.)

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March 22.—Reports a bill for the admission of Arkansas into the Union. (G. 24 C. 1 s. 1835–1836, III. 275; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 934.)

Remarks on the question of the day for considering the bill. (Id. 275; id. 934.)

March 23.—Presents a petition for the increase of salaries of custom-house officers of Philadelphia. (G. 24 C. 1 s. 1835–1836, III. 280.)

March 24.—Presents a petition for the refunding of certain duties paid by Morris Waln & Co., of Philadelphia. (G. 24 C. 1 s. 1835–1836, III. 284.)

Remarks on a joint resolution designating a day for the adjournment of Congress. (Id. 284; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 963.)

Votes against engrossment for a third reading of the bill for the relief of the corporate cities of the District of Columbia. (Id. 285; id. 964.)

March 28.—Presents a petition for the erection of a new custom-house in Philadelphia. (G. 24 C. 1 s. 1835–1836, III. 298.)

Votes against the motion to lay on the table the resolution fixing a day of adjournment of Congress. Votes against an amendment to the resolution fixing May 20th. Votes against an amendment making the 23rd day of May the day of adjournment. Votes in favor of the resolution as amended, which was adopted. (Id. 299; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 981.)

* Remarks on an amendment to the Revolutionary Pensioners Bill concerning specie payments. (Id. 299, Appendix, 239–240; id. 1004, 1005.)

* *March* 30.—Remarks on the bill to establish the northern boundary of Ohio, and to provide for the admission of Michigan. (G. 24 C. 1 s. 1835–1836, III. 306, Appendix, 309–310, where date is erroneously given as April 1, 1836; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1011–1015.)

March 31.—Participates in a debate on bills relating to public lands. (Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1031.)

Votes against a motion to refer the bills to the Committee on Public Lands. (G. 24 C. 1 s. 1835–1836, III. 310; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1032.)

* *April* 1.—Speech in reply to arguments against the admission of Michigan into the Union. (G. 24 C. 1 s. 1835–1836, III. 311, 312, Appendix, 397–400; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1037–1046.)

Votes against motions to adjourn. (Id. 311, 312; id. 1046.)

Votes on various amendments to the bill providing for the admission of Michigan. Votes in favor of ordering the bill to be engrossed for a third reading, which was directed. (Id. 311–312; id. 1046–1048.)

April 2.—Votes against a motion to recommit the bill to establish the northern boundary of Ohio, and to provide for the admission of Michigan. Votes against a motion to lay the bill on the table. Votes against a motion to adjourn, which was lost. Votes in favor of the bill, which was passed. (G. 24 C. 1 s. 1835–1836, III. 313; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1050.)

* Moves that the Senate take up the consideration of the bill for the admission of Arkansas. Votes against motions to adjourn. Remarks on the bill. (Id. 313–314; id. 1052–1053.)

* *April* 4.—Remarks on the bill for the admission of Arkansas. (G. 24 C. 1 s. 1835–1836, III. 315–316; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1053–1054.)

Votes in favor of the bill, which was passed. (Id. 316; id. 1056.)

April 13.—Presents several memorials and petitions. (G. 24 C. 1 s. 1835–1836, III. 351.)

April 14.—Motion, and remarks thereon, to appoint a committee of conference on the disagreement of the two Houses as to the amendment to the bill establishing the territorial government of Wisconsin, which reduces the

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salary of the Governor. Appointed chairman of the committee. (G. 24 C. 1 s. 1835–1836, III. 358; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1177.)

April 18.—Report of the conference committee on the disagreement of the two Houses on the foregoing amendment. Moves that the Senate recede from its disagreement to the amendment, and the question was decided in the affirmative. (G. 24 C. 1 s. 1835–1836, III. 370; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1199.)

* Remarks on a bill to authorize contracts for transportation of United States mail and property on railroads. (Id. 372; id. 1203–1205.)

April 20.—Presents the petition of Colonel Jacob Slough, for increase of pension. (G. 24 C. 1 s. 1835–1836, III. 378.)

April 22.—Remarks on the bill for the relief of the legal representatives of the widows of Colonels Bond and Douglass. (G. 24 C. 1 s. 1835–1836, III. 384; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1253.)

Votes against the bill. (Id. 384; id. 1254.)

* *April* 25.—Presents a petition of the Society of Friends, of Philadelphia, remonstrating against the admission of Arkansas while the bill contained the provision in relation to slavery. Remarks on the subject. Moves to lay the petition on the table, which was agreed to. (G. 24 C. 1 s. 1835–1836, III. 395; Reg. 24 C. 1 s. 1835–1836, XII., pt. 1, 1277–1278.)

Submits a resolution of inquiry into the expediency of contracting with Luigi Persico for two groups of statues. (G. 24 C. 1 s. 1835–1836, III. 395.)

Votes against an amendment to the bill concerning the proceeds of sales of public lands, changing the ratio of distribution. (Id. 398; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1286.)

April 26.—Votes in favor of an amendment to the Naval Appropriations Bill, increasing the appropriation for the pay of the Navy. (G. 24 C. 1 s. 1835–1836, III. 403; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1299.)

Votes in favor of engrossing the bill for a third reading. (Id. 403.)

Votes against postponing consideration of the bill to distribute the proceeds of sales of public lands. (Id. 403; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1301.) Votes against laying the bill on the table. (Id. 403; id. 1302.)

Votes on various amendments to the bill. Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 403–404; Appendix, 317, 318, 319, 321; id. 1305–1306, 1308, 1313.)

* *April* 28.—Moves to take up the resolution as to contracting with Luigi Persico for two groups of statues. Remarks on the subject. (G. 24 C. 1 s. 1835–1836, III. 406–407; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1314–1315, 1315–1317.)

The resolution was agreed to. (Id. 408; id. 1318.)

April 29.—Votes against a motion that when the Senate adjourn, it adjourn till the Tuesday following. Remarks on a motion that when Senate adjourn, it adjourn till the Monday following. Votes against this motion. (G. 24 C. 1 s. 1835–1836, III. 411; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1374.)

April 30.—Remarks on a bill relating to the bequest of James Smithson. Votes in favor of ordering the bill to be engrossed for a third reading. (G. 24 C. 1 s. 1835–1836, III. 413; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1377, 1378.)

May 2.—Remarks on a bill for the improvement of certain harbors and for making certain surveys. Votes against an appropriation for the Pearl and Pascagoula rivers, in Mississippi. Votes against an appropriation for removing an obstruction in the Ohio River below Shippingport. Votes in favor

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of engrossing the bill for a third reading. (G. 24 C. 1 s. 1835–1836, III. 415; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1383–1384.)

May 4.—Presents the presentment of the grand jury of the circuit court for the Eastern District of Pennsylvania, recommending the erection of a court-house and jail in Philadelphia. (G. 24 C. 1 s. 1835–1836, III. 416.)

* Remarks on a bill for the service of volunteers for the defence of the frontiers. (G. 24 C. 1 s. 1835–1836, III. 416, Appendix, 406; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1394–1395.)

Votes in favor of passing the bill to distribute for a limited time the proceeds of sales of public lands among the States. (Id. 416; id. 1396.)

May 5.—Remarks on certain features of the General Appropriation Bill. (G. 24 C. 1 s. 1835–1836, III. 420, 421; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1402.)

* *May* 9.—Remarks on memorials for the recognition of Texas and concerning Texan affairs. (G. 24 C. 1 s. 1835–1836, III. 437–438; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1422–1424.)

May 11.—Presents the petition of Hannah Caldwell, praying for arrearages of pension. (G. 24 C. 1 s. 1835–1836, III. 445.)

May 12.—Reports a bill supplemental to the act for the admission of Arkansas. (G. 24 C. 1 s. 1835–1836, III. 449.)

Votes against a motion to lay the Fortifications Bill on the table. (Id. 449; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1432.)

*Remarks on the bill. (Id. 449–450; id. 1432–1433.)

May 14.—Remarks on the bill for the relief of Richard C. Stockton, William B. Stokes, and others. (G. 24 C. 1 s. 1835–1836, III. 458; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1448–1449.)

Votes against striking out the second section of the bill for the relief of the corporate cities of the District of Columbia. (Id. 459; id. 1452.)

May 17.—Presents memorials for the acknowledgment of Texan independence. (G. 24 C. 1 s. 1835–1836, III. 464.)

May 18.—Remarks on the postponement of a bill to authorize the President to appoint three additional paymasters. (Reg. 24 C. 1 s. XII., pt. 2, 1463.)

May 19.—Appointed a member of the conference committee on the disagreement between the two Houses as to the bill for the services of volunteers for the defence of the frontiers. (G. 24 C. 1 s. 1835–1836, III. 473; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1464.)

* *May* 20.—Remarks on the disagreement of the two Houses. (G. 24 C. 1 s. 1835–1836, III. 478, 479; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1505–1506, 1508–1510.)

May 21.—Votes on various amendments to the Fortifications Bill. (G. 24 C. 1 s. 1835–1836, III. 483; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1524–1525.)

* *May* 23.—Remarks on memorials presented for the recognition of the independence of Texas. (G. 24 C. 1 s. 1835–1836, III. 489; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1536–1537.)

Presents a memorial from citizens of Pennsylvania for the recognition of Texan independence. (Id. 489.)

May 24.—Votes on various amendments to the Fortifications Bill. (G. 24 C. 1 s. 1835–1836, III. 493, 494; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1550.)

May 25.—Votes on various amendments to the Fortifications Bill. (G. 24 C. 1 s. 1835–1836, III. 497, 498; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1575, 1576.)

Moves that the Senate take up the consideration of the bill supplementary

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to the act providing for the admission of Arkansas. Moves an amendment to the bill, which was agreed to. (Id. 498; id. 1577.)

May 26.—Votes in favor of the passage of the Fortifications Bill. (G. 24 C. 1 s. 1835–1836, III. 505; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1592.)

* *May* 28.—Remarks on the bill to regulate the deposits of public money, and on an amendment as to the sum always to be kept in the Treasury. (G. 24 C. 1 s. 1835–1836, III. 509, Appendix, 424–426; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1635–1641.)

May 31.—Votes in favor of engrossing for a third reading a bill to reward the captors of the frigate *Philadelphia*. (Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1649.)

Remarks on a bill to establish a day for the annual meeting of Congress. (G. 24 C. 1 s. 1835–1836, III. 513.)

Appointed a member of a select committee to which was referred the bill to regulate the deposits of public money. (Id. 514; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1657.)

Votes in favor of taking up the bill to increase the military peace establishment. (Id. 514; id. 658.)

June 1.—Votes against a motion to lay on the table the whole subject of the charges against B. F. Curry and Samuel Gwinn, and their responses. (G. 24 C. 1 s. 1836–1836, III. 519; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1668.)

June 2.—Report on a bill to provide for the execution of the laws of the United States in Michigan. (G. 24 C. 1 s. 1835–1836, III. 521.)

Votes against an amendment to the bill to prohibit the circulation through the mails of incendiary publications, and to provide for the disposition of those sent to persons in States where they are prohibited by law. The amendment was rejected. Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 522; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1675.)

June 4.—Votes against a motion to recommit the bill to extend the charter of certain banks in the District of Columbia. Votes on various motions to strike out portions of the bill. Votes in favor of engrossing the bill for a third reading. (G. 24 C. 1 s. 1835–1836, III. 531; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1695, 1696.)

June 6.—Votes against postponing indefinitely a bill to extend the time for receiving proof of pre-emption claims under the act of 1834. Votes in favor of engrossing the bill for a third reading. (G. 24 C. 1 s. 1835–1836, III. 532; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1697.)

June 7.—Introduces a resolution for inquiring into the expediency of establishing a post route from Danville to Cattawissa, Pennsylvania. (G. 24 C. 1 s. 1835–1836, III. 535.)

Votes against a motion to strike out the first section of the bill to extend the time for proving pre-emption claims suspended by the contingent location of certain alleged Choctaw reservations. Remarks on the bill. (Id. 535; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1698.)

Votes in favor of the passage of the bill to extend the charters of certain banks in the District of Columbia. (Id. 535; id. 1720.)

* *June* 8.—Remarks on the bill to prohibit deputy postmasters from receiving and transmitting certain papers described therein, in the States in which they should be prohibited by law. (G. 24 C. 1 s. 1835–1836, III. 539, Appendix, 454–455, 456–457, 458; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1722–1726, 1732–1735, 1736.)

Votes in favor of the bill. (Id. 539, Appendix, 458; id. 737.)

June 9.—Votes against an amendment to the bill supplementary to the

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act establishing the northern boundary of Ohio and for the admission of Michigan, exempting from taxation for five years lands in Michigan sold by the United States. (G. 24 C. 1 s. 1835–1836, III. 540.)

Votes in favor of the bill to extend the time for receiving proof of pre-emption claims under the act of 1834. (Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1742.)

June 10.—Remarks on the bill to increase the military peace establishment. Votes in favor of certain instructions to the committee to which the bill was recommitted. (G. 24 C. 1 s. 1835–1836, III. 543, 544; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1756, 1757.)

June 13.—Votes on various amendments to the bill to regulate the deposits of public money. (G. 24 C. 1 s. 1835–1836, III. 548; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1766; G. 26 C. 1 s. 1839–1840, VIII., Appendix, 120.)

June 14.—Submits a resolution to inquire into the expediency of providing for the compensation of Senators and Representatives from Michigan. (G. 24 C. 1 s. 1835–1836, III. 551.)

* Remarks on a bill to change the organization of the Post Office Department. (Id. 552; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1770.)

* Remarks on an amendment to the bill to regulate the deposits of public money, providing that outstanding appropriations shall be deducted prior to a distribution of the surplus to the States. (Id. 553; id. 1777–1778.) Votes in favor of recommitting the bill, with instructions to bring in two bills, one to regulate the deposits of public money, and the other for the distribution of the surplus to the States. (Id. 553; id. 1778.)

June 15.—Votes against a motion to reconsider the vote to recommit the bill regulating the deposits of public money, with certain instructions. (G. 24 C. 1 s. 1835–1836, III. 556; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1780.)

June 16.—Submits motions as to amendments made by the House to the bills relating to Ohio, Michigan, and Arkansas. (G. 24 C. 1 s. 1835–1836, III. 558; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1781.)

Votes in favor of a motion to recommit the bill to regulate the deposits of public money, with instructions. (Id. 559; id. 1782.)

Votes on various amendments to the bill for the distribution of the surplus. Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 559, 560; id. 1785, 1786, 1787.)

June 17.—Introduces a resolution to extend to his widow the pension granted to Simon Kenton. (G. 24 C. 1 s. 1835–1836, III. 362.)

* Remarks on the passage of the bill to regulate the deposits of public money. (Id. 562, Appendix, 532–533; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1800–1805.) Votes in favor of the passage of the bill. (Id. 562; id. 1845.)

June 18.—Presents a memorial in favor of the box system in the Post Office. (G. 24 C. 1 s. 1835–1836, III. 564.)

* *June* 20.—Remarks on Davis's amendment and his own amendment to the bill for the reorganization of the Post Office, concerning the box system. Moves an amendment as to returns to be made for box rentals. Votes against Davis's amendment. Votes in favor of his own amendment. (G. 24 C. 1 s. 1835–1836, III. 567; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1850, 1851.)

Votes against a motion to strike out the first section of the bill to increase the military peace establishment. Votes in favor of a motion to strike out sections giving the franking privilege to the War Department, authorizing the equipment of one regiment of infantry as a regiment of riflemen, and directing certain officers to perform the duties of superior officers who may be absent. (Id. 568; id. 1853.)

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Moves to refer a bill concerning the judicial system of Arkansas to the Committee on the Judiciary. (Id. 568.)

* *June* 21.—Remarks on a bill for organizing the Navy of the United States. Votes in favor of laying the bill on the table. (G. 24 C. 1 s. 1835–1836, III. 571; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1856–1857.)

June 22.—Remarks on the House amendment to the bill to regulate the deposits of public money. (Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 575; G. 24 C. 1 s. 1835–1836, III. 575.)

June 23.—Votes in favor of taking up the bill to change the mode of conducting the sales of public lands. Votes in favor of a motion to postpone the bill indefinitely. (G. 24 C. 1 s. 1835–1836, III. 578, 579; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1867, 1870.)

* *June* 24.—Remarks on an amendment to the bill for the reorganization of the Army, increasing the number of lieutenants to 350. Moves an amendment, which was rejected, fixing the number at 300. Votes in favor of a motion to lay the bill on the table. Moves a further amendment fixing the number of captains at 40 instead of 50, and the number of midshipmen at 60 instead of 75; the amendment was agreed to. (G. 24 C. 1 s. 1835–1836, III. 584; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1874–1875.)

June 25.—Votes against a motion to lay on the table a bill to grant certain lands to Indiana, Illinois, Alabama, and Mississippi. (G. 24 C. 1 s. 1835–1836, III. 585; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1876.)

Remarks on the bill, returned from the House with amendments, to provide for the execution of the United States laws in Michigan. (Id. 585.)

* Moves to take up the bill to regulate and increase the pay of officers of the Marine Corps. Moves an amendment, which was lost, assimilating the pay of marine officers to that of officers of infantry of like grades, while serving on shore, and to that of navy officers, when serving at sea. Remarks on the amendment. Renews the amendment when the bill is reported to the Senate, and it is agreed to. (Id. 585; id. 1877.)

June 27.—Votes in favor of the bill, which was vetoed by the President, fixing a day for the annual meeting of Congress. (G. 24 C. 1 s. 1835–1836, III. 588; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1880.)

Votes against taking up the bill to anticipate the payment of indemnities due to claimants under the French and Neapolitan treaties. (Id. 588; id. 1882.)

Votes against a motion to postpone indefinitely the bill to establish armories, arsenals, etc., in certain places. Remarks on the bill. (Id. 589; id. 1884.)

June 28.—Votes against a resolution for rescinding the resolution of the Senate of March 24, 1834, censuring the President. (G. 24 C. 1 s. 1835–1836, III. 591; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1897.)

Votes against recommitting, with certain instructions, the bill providing for the accommodation of the Patent Office. Votes in favor of the bill. (Id. 591; id. 1898.)

June 29.—Votes against a motion to recommit the Fortifications Bill for 1836, with instructions to reduce the appropriations to not more than $1,600,000. Votes against a motion to lay the bill on the table. Votes against a motion to recommit the bill without instructions. (G. 24 C. 1 s. 1835–1836, III. 595; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1906, 1907.)

June 30.—Votes in favor of the passage of the bill to establish armories, arsenals, etc. (G. 24 C. 1 s. 1835–1836, III. 599; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1909.)

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Votes against a motion to strike from the Fortifications Bill an appropriation of $150,000 for Fort Delaware. Votes against a motion to recommit the bill, with instructions to reduce the appropriations. Votes in favor of engrossing the bill for a third reading. (Id. 599; id. 1910, 1911.)

Appointed a member of the committee to consider and report in what manner to express the feelings of the nation on the decease of James Madison. (Id. 599; id. 1913.)

Votes in favor of the passage of the bill supplemental to the act to regulate the public deposits. (Id. 599; id. 1913.)

Moves to take up the bill for the relief of James Bradford, of Louisiana. (Id. 600.)

**July* 1.—Remarks on a resolution favoring the acknowledgment of Texan independence. Votes in favor of the resolution as amended. (G. 24 C. 1 s. 1835–1836, III. 604; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1916, 1928.)

Remarks on a bill making additional appropriations for the Delaware breakwater and for the improvement of certain harbors. (Id. 604; id. 1928.)

July 2.—Votes in favor of a motion to take up the Pension Bill. Suggests an amendment, which was agreed to, providing for widows of Revolutionary officers and soldiers, who were married during the war and who remained widows. (G. 24 C. 1 s. 1835–1836, III. 608; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1929.)

Votes in favor of the passage of the bill providing for the Delaware breakwater and for the improvement of certain harbors. (Id. 608; id. 1930.)

Votes on various amendments to the Harbor Bill. Votes against a motion to postpone consideration of the bill. Remarks on the bill. Votes in favor of engrossing the bill for a third reading. (Id. 609; id. 1935.)

July 4.—Moves that the Senate adjourn *sine die*. Motion carried. (G. 24 C. 1 s. 1835–1836, III. 615; Reg. 24 C. 1 s. 1835–1836, XII., pt. 2, 1940.)

December 5.—Appears as a Senator from Pennsylvania. (G. 24 C. 2 s. 1836–1837, IV. 1; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 1.)

December 12.—Elected chairman of the Committee on Foreign Relations, receiving 21 votes, against 14 for Clay, 1 for King, of Alabama, and 1 for King, of Georgia. (G. 24 C. 2 s. 1836–1837, IV. 17; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 6, 7.)

December 14.—Presents a petition of the umbrella manufacturers of Philadelphia with regard to the construction of tariff laws affecting their imports; also a petition of John Laub, for compensation as acting Comptroller of the Treasury. (G. 24 C. 2 s. 1836–1837, IV. 22.)

Elected a member of the Committee on the District of Columbia. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 7.)

December 15.—Moves reference of the petition of Charles Frazier to the Committee on Claims, which was agreed to. (G. 24 C. 2 s. 1836–1837, IV. 26.)

December 19.—The Chair communicates the credentials of James Buchanan, re-elected, by the Pennsylvania Legislature, a Senator from that State for six years, from March 4, 1837. (G. 24 C. 2 s. 1836–1837, IV. 29.)

Presents a petition for a custom-house at Philadelphia; also a petition for a Federal court-house at Philadelphia. (Id. 29.)

Moves that so much of the President's message as relates to foreign relations be referred to the Committee. It was so ordered. (Id. 30.)

**December* 21.—Remarks on a motion to refer to the Committee on Finance a bill relating to deposits of public money. (G. 24 C. 2 s. 1836–1837, IV. 40, Appendix, 319–320; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 85–86.)

Votes in favor of the motion to refer the bill to that Committee. (Id. 41; id. 90.)

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December 22.—Makes a motion, and remarks thereon, to refer to the Committee on Foreign Relations the message of the President relative to the recognition of the independence of Texas and its admission into the Union. The motion was adopted. (G. 24 C. 2 s. 1836–1837, IV. 43; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 104.)

Reports a bill for the relief of the executrix of Richard W. Meade. (Id. 43.)

December 26.—Presents a petition for a custom-house at Philadelphia; also a memorial for the reduction of postage. (G. 24 C. 2 s. 1836–1837, IV. 49.)

Introduces a bill authorizing the Secretary of the Treasury to compromise the claim of the United States in the Alleghany Bank of Pennsylvania. (Id. 51.)

Gives notice of a request, on the next day, for leave to bring in a bill for the relief of insolvent debtors. (Id. 51.)

December 27.—Introduces a bill to extend the several acts in force for the relief of insolvent debtors. (G. 24 C. 2 s. 1836–1837, IV. 53.)

* *December 29.*—Remarks on the bill for the admission of Michigan into the Union. (G. 24 C. 2 s. 1836–1837, IV. 60, 60–61; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 169–170, 171–172.)

SENATE (Continued), 1837.

January 2, 1837.—Presents the petition of Dr. Plantou for an appropriation to test his several inventions for navigation of canals by steamboats and for construction of railroads; also a petition for a custom-house at Philadelphia. (G. 24 C. 2 s. 1836–1837, IV. 66.)

* *January 3.*—Speech on the bill for the admission of Michigan into the Union. (G. 24 C. 2 s. 1836–1837, IV. 68, Appendix, 73–76, 84; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 235–246.)

Votes against a number of motions that the Senate adjourn. (Id. 68; id. 267.)

January 4.—Votes on various motions on and amendments to the bill for the admission of Michigan. Votes in favor of engrossing the bill for a third reading, which was ordered. (G. 24 C. 2 s. 1836–1837, IV. 71; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 293, 294, 295.)

* *January 5.*—Remarks on the bill for the admission of Michigan into the Union. (G. 24 C. 2 s. 1836–1837, IV. 73, Appendix, 147–149; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 310–317.)

Votes in favor of the passage of the bill. (Id. 73; id. 325.)

January 6.—Presents a petition for the erection of a federal court-house in Philadelphia. Remarks on the subject. (G. 24 C. 2 s. 1836–1837, IV. 75; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 325–326.)

January 9.—Presents a petition for an appropriation for Alleghany River improvement; also a petition of the Philadelphia Chamber of Commerce for extension of time for the production of certificates on articles entitled to drawback. (G. 24 C. 2 s. 1836–1837, IV. 78.)

January 10.—Presents a memorial of claimants under the French treaty; also the petition of Moore & Co. for compensation for additional services rendered as mail contractors; also a memorial protesting against the reduction of the duty on coal. Remarks on the last memorial. (G. 24 C. 2 s. 1836–1837, IV. 81.)

January 11.—Makes a report on the memorial of Thomas Vowell. (G. 24 C. 2 s. 1836–1837, IV. 83.)

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Votes in favor of referring to the Committee on Public Lands a resolution to rescind the Treasury order of July, 1836, designating funds which shall be received in payment of public lands. (Id. 83; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 376.)

January 12.—Remarks on a bill to limit the sales of public lands. (G. 24 C. 2 s. 1836–1837, IV. 91–92; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 378, 379.)

January 13.—Presents a petition remonstrating against the reduction of the duty on coal. (G. 24 C. 2 s. 1836–1837, IV. 94.)

Votes against a motion made, during discussion of the Expunging Resolution, for adjournment. (Id. 94.)

January 16.—Presents a petition from Samuel Raub, Jr., concerning his improvement in the construction of steam-boilers; also a memorial from hardware dealers in Philadelphia, asking the repeal of certain tariff provisions; also a memorial concerning the duty on coal. (G. 24 C. 2 s. 1836–1837, IV. 98.)

* Speech on Benton's resolution to expunge from the Senate journal the resolution of March 28, 1834, censuring President Jackson for having removed deposits from the Bank of the United States. (Id. 98, Appendix, 106–111; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 440–458.)

Votes against a motion to adjourn, which was lost. (Id. 98.)

Votes in favor of the Expunging Resolution, which was adopted. (Id. 99; id. 504.)

Votes against a motion to place before the bar of the Senate a person apprehended in the gallery for raising a disturbance while the Clerk expunged the resolution. The motion was carried. Votes in favor of a motion to discharge the person, which was agreed to. (Id. 99, 100; id. 506.)

January 17.—Presents a petition. (G. 24 C. 2 s. 1836–1837, IV. 102.)

Votes in favor of printing the usual number of a presentment of the grand jury of Washington County, D. C., with reference to outside interference in local affairs, especially slavery. (Id. 102.)

Moves to postpone till the next day the consideration of the bill to limit the sales of public lands. Motion adopted. (Id. 102.)

January 18.—Reports a bill to continue in force, for a limited time, the act for carrying into effect the convention between the United States and Spain. (G. 24 C. 2 s. 1836–1837, IV. 105.)

* Remarks on the bill to anticipate the payment of indemnities stipulated in the treaties with France and the Two Sicilies. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 521–522, 523; G. 24 C. 2 s. 1836–1837, IV. 106.) Votes in favor of ordering the bill to be engrossed for a third reading. (Id. 524; id. 106.)

January 19.—Presents the petition of Horatio N. Crabb for certain allowances of pay. (G. 24 C. 2 s. 1836–1837, IV. 110.)

January 20.—Votes against a motion to take up the bill designating and limiting the funds receivable for the United States revenues. (G. 24 C. 2 s. 1836–1837, IV. 111.)

Votes aye on the passage of a bill to authorize the relinquishment of certain public lands for the use of schools and the entry of other lands in lieu thereof. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 529.)

Votes against an amendment to the bill to limit the sales of public lands, prescribing the prices at which the sales shall be made. Amendment rejected. (Id. 529.)

January 21.—Votes for an amendment to the bill to limit the sales of public lands, making the term of residence required of a settler, before he

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can obtain a patent, two years instead of three. Amendment adopted. (G. 24 C. 2 s. 1836–1837, IV. 115.)

January 24.—Presents a petition for constructing a harbor at the mouth of Walnut Creek, which empties into Lake Erie. (G. 24 C. 2 s. 1836–1837, IV. 121.)

Remarks on a resolution to inquire into the construction of the act of June 30, 1834, regulating the pay of the Marine Corps, by the Fourth Auditor. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 535.)

January 25.—Introduces a bill to explain and amend the 5th section of the act of June 30, 1834, for the better organization of the United States Marine Corps. (G. 24 C. 2 s. 1836–1837, IV. 123.)

Participates in the debate on the bill for the relief of the executrix of Richard W. Meade. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 557.)

* *January* 26.—Submits an amendment to the bill to limit the sales of public lands, providing for the entry of sections in the name of certain minor children. Remarks on the subject. (G. 24 C. 2 s. 1836–1837, IV. 126; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 559–560, 560–561, 561–562.)

Votes in favor of taking up the bill to limit and designate the funds receivable for the public revenue. Votes in favor of an amendment that notes of banks shall not be received for public dues, where such banks issue notes of a denomination less than twenty dollars. (Id. 127; id. 563.)

* *January* 27.—Remarks on a memorial for the incorporation of an association for colonizing free negroes on the coast of Africa. (G. 24 C. 2 s. 1836–1837, IV. 130, 130–131; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 566, 567, 568.)

January 28.—Presents a memorial praying that New Castle on the Delaware, may be made a port of entry. (G. 24 C. 2 s. 1836–1837, IV. 135.)

Receives one vote on the ballot for a President *pro tem.* of the Senate, on the retirement of Vice-President Martin Van Buren. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 618.)

January 30.—Votes against a motion to take up the memorial of the American Colonization Society, asking for a charter. (G. 24 C. 2 s. 1836–1837, IV. 138; Reg. 24 C. 1 s. 1836–1837, XIII., pt. 1, 636.)

Remarks on the consideration of the resolution of thanks to Martin Van Buren, the retiring Vice-President. (Id. 635.)

Submits an amendment to the bill to limit the sales of public lands. Amendment agreed to. (Id. 138; id. 645.)

February 1.—Votes in favor of an amendment to the above bill, making it retrospective in its character in regard to pre-emption settlement. (G. 24 C. 2 s. 1836–1837, IV. 145; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 667.)

February 2.—Presents a petition protesting against the repeal of the duties on coal; remarks on the subject. Presents the memorial of F. Raviesces, of Alabama, complaining against two land officers. (G. 24 C. 2 s. 1836–1837, IV. 147.)

Appointed a member of a select committee to whom was referred the petition of T. Moore and other British authors for copyright privileges in the United States. (Id. 147; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 671; S. Doc. 134, 24 C. 2 s.)

* Remarks on the memorial. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 671.)

February 3.—Votes on various motions and amendments to the bill to limit the sales of public lands. Remarks on the bill. (G. 24 C. 2 s. 1836–1837, IV. 150; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 693, 694, 695, 696.)

Introduces a resolution to inquire into the expediency of erecting a

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light-house on Sand Island, opposite Mobile Point, and of placing buoys and beacons in Mobile Bay. (Id. 150.)

February 4.—Votes in favor of a resolution as to the mode of examining and counting the votes for President and Vice-President. (G. 24 C. 2 s. 1836–1837, IV. 152; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 701.)

Remarks on taking up the bill to limit the sales of public lands. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 701.) Calls for the yeas and nays on a motion to recommit the bill; votes against the motion, which was carried. (G. 24 C. 2 s. 1836–1837, IV. 153; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 706.)

Remarks on a petition of inhabitants of Pottsville, Pa., protesting against the repeal of the duty on coal. (Niles' Weekly Register, Feb. 4, 1837, LI. 360.)

* *February* 6.—Remarks on the reception of memorials presented by him for the abolition of slavery in the District of Columbia. (G. 24 C. 2 s. 1836–1837, IV. 158; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 709.)

Votes in favor of a motion to lay on the table the question of the reception of these memorials. The motion prevailed. (Id. 159; id. 711.)

Votes in favor of a motion to lay on the table several memorials from abolitionists of Ohio and Massachusetts. The motion prevailed. (Id. 160; id. 723.)

February 7.—Moves that the President's message on relations with Mexico be printed, and referred to the Committee on Foreign Relations. So ordered. (G. 24 C. 2 s. 1836–1837, IV. 163; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 724.)

Presents the petition of Hannah Mendenhall Baldwin, praying for a pension. (Id. 163.)

Votes in favor of laying on the table the question of the reception of certain petitions from Ohio for the abolition of slavery in the District of Columbia. Motion adopted. (Id. 163; id. 724.)

Presents the petition of Reuben James. (Id. 163.)

Votes on various amendments to the bill to limit the sales of public lands. (G. 24 C. 2 s. 1836–1837, IV. 164; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 727, 728, 729.)

* Remarks on a substitute for the bill, offered by Calhoun. (Id. 164; id. 731.)

Votes against Calhoun's substitute. Votes in favor of engrossing the bill for a third reading. (Id. 164; id. 736.)

February 8.—Votes for Richard M. Johnson for Vice-President. (G. 24 C. 2 s. 1836–1837, IV. 166; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 738.)

February 9.—Votes in favor of a motion to lay on the table the question of the reception of a petition from Vermont, praying for the abolition of slavery in the District of Columbia. Motion prevailed. (G. 24 C. 2 s. 1836–1837, IV. 167; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 739.)

Votes in favor of a motion to reconsider the vote ordering to a second reading the bill to cede to the new States the public lands which lie in them, on certain conditions. Motion prevailed. (Id. 167; id. 753.)

Votes in favor of the passage of the bill to limit the sales of public lands. (Id. 167; id. 777.)

February 10.—Reports the House bill concerning discriminating duties on Dutch and Belgian vessels, with amendment. (G. 24 C. 2 s. 1836–1837, IV. 170.)

Votes in favor of the passage of the bill to designate and limit the

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funds receivable for public revenue. The bill was passed. (Id. 170; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 778.)

Votes against a motion to lay on the table the Fortifications Appropriation Bill. Motion lost. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 779.)

* *February* 11.—Remarks on the bill to cede public lands to the new States in which they lie, on certain conditions. (G. 24 C. 2 s. 1836–1837, IV. 172, Appendix, 159–160; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 792–794.) Votes in favor of his motion, which was carried, to lay the bill on the table. (Id. 172; id. 794.)

Votes aye on the passage of the bill making provision for the collection of materials and the purchase of sites for certain fortifications. (Id. 172; id. 795.)

February 13.—Presents the petition of McNair of Pittsburg, mail contractor, for compensation for extra services. (G. 24 C. 2 s. 1836–1837, IV. 175.)

Moves that 2,000 extra copies of the President's message on relations with Mexico be printed. Motion carried. (Id. 175.)

Votes in favor of a motion to strike out the 4th section of the bill supplementary to the act for the improvement of the useful arts, which provides for the restoration of models destroyed by the burning of the Post Office. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 797.)

Votes against a motion to consider the resolution relative to acknowledging the independence of Texas. (Id. 175; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 797.)

Votes in favor of engrossing for a third reading the bill to establish an armory, arsenals, and depots in certain localities. So ordered. (Id. 176; id. 800.)

Moves consideration of the House bill respecting the duties on Belgian and Dutch vessels and their cargoes. Motion carried. (Id. 176; id. 800–801.)

* Remarks on the bill. (Id. 176; id. 801.)

* Remarks on the bill to amend the act for the punishment of certain crimes against the United States. Votes in favor of an amendment substituting confinement at hard labor for a term instead of the death penalty for the crime of burning public buildings. Amendment lost. Moves an amendment by substituting imprisonment in the penitentiary for the punishment of death in case of accessaries before the fact. Amendment rejected. Votes against ordering the bill to be engrossed for a third reading, which was ordered. (Id. 176; id. 801–802.)

February 15.—Votes against the passage of the bill to amend the act of 1790 for the punishment of certain crimes against the United States. (G. 24 C. 2 s. 1836–1837, IV. 184; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 805.)

* Remarks on the bill respecting the discriminating duties on Dutch and Belgian vessels and their cargoes. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 805–806.)

Votes against an amendment to the bill for the continuation of the Cumberland Road, by inserting a disclaimer of the faith of the Government being pledged to further appropriations. Votes in favor of engrossing the bill for a third reading, which was ordered. (G. 24 C. 2 s. 1836–1837, IV. 184; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 807.)

February 16.—Report of the select committee on the petitions of British and American authors regarding the extension of copyright to foreigners. (S. Doc. 179, 24 C. 2 s.; G. 24 C. 2 s. 1836–1837, IV. 188.)

Votes in favor of the passage of the bill for increasing the military estab-

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lishment of the United States. (G. 24 C. 2 s. 1836–1837, IV. 188; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 840.)

February 17.—Votes in favor of an amendment to the bill to settle the claims of the executrix of Richard W. Meade. Votes in favor of the passage of the bill, which was passed. (G. 24 C. 2 s. 1836–1837; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 846.)

* *February* 18.—Report on President Jackson's message of Feb. 6, 1837, recommending that the Senate concur in the President's opinion that another demand ought to be made upon Mexico for redress of the United States' grievances. (S. Doc. 189, 24 C. 2 s.; G. 24 C. 2 s. 1836–1837, IV. 193–194; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 854–857.)

February 20.—Votes in favor of a resolution for the purchase of the manuscripts of James Madison. Resolution adopted. (G. 24 C. 2 s. 1836–1837, IV. 195; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 872.)

February 21.—Gives notice that he would, on the following Thursday, call for the consideration of the report on relations with Mexico. (G. 24 C. 2 s. 1836–1837, XIII., pt. 1, 195.)

Votes aye on the passage of a bill to complete a certain military road in Arkansas. (Id. 195.)

* Remarks on instructions from the Pennsylvania Legislature to oppose tariff reduction. (Id. 195; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 873.) Votes against a motion to take up the bill reducing the duties on certain imported articles. (Id. 195; id. 874.) Votes in favor of a motion to strike out from the bill twelve articles of drugs. Motion prevailed. Speaks and votes in favor of an amendment to strike out the articles of china and porcelain, earthen, and stone ware. (Id. 195; id. 874, 880, 884.)

* *February* 24.—Votes and makes remarks on various motions and amendments to the above bill. (G. 24 C. 2 s. 1836–1837, IV. 201, Appendix, 202, 239–241; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 939, 948–953, 961–962, 965, 966; pt. 2, 2200.)

Votes against engrossing the bill for a third reading. (Id. 201, 202; id. 966.)

February 27.—Presents petitions from Pennsylvania for the abolition of slavery in the District of Columbia. (G. 24 C. 2 s. 1836–1837, IV. 209.)

* Moves to take up the report on relations with Mexico, and the resolution accompanying it. Remarks on the subject. Votes in favor of the resolution, which was adopted unanimously. (Id. 209, 210; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 985.)

Votes in favor of a motion to postpone the consideration of the resolution for the recognition of Texan independence. (Id. 210; id. 986.)

Moves to table the bill to remunerate Captain Francis Allyn for conveying General Lafayette to the United States in 1824. Motion prevailed. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 988.)

Moves an amendment to the bill for the relief of Colonel Matthew Arbuckle, requiring him to pay $1.25 per acre to the United States for the lands in question. Amendment agreed to. (Id. 991.)

* *February* 28.—Remarks on a motion to strike from the Fortifications Bill the section providing for the distribution among the States of any surplus which may remain in the Treasury on January 1, 1838. (G. 24 C. 2 s 1836–1837, IV. 212, Appendix, 271–273; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 993–996, 1003–1007.) Votes in favor of the motion, which prevailed. (Id. 212.)

Votes in favor of engrossing for a third reading the bill anticipating the

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Reg.=Register of Debates.—G.=Congressional Globe.—C.=Congress.—s.=session.
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payment of the indemnities to United States citizens under the convention with France of July 4, 1831, and that with the Two Sicilies of October 14, 1832. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 1009.)

**March* 1.—Remarks on the resolution for the recognition of Texan independence. (G. 24 C. 2 s. 1836–1837, IV. 214; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 1012–1013.) Moves to lay the resolution on the table, which motion was negatived. Votes in favor of a proposed substitute, declaring that when satisfactory information should be received of the successful operation of a government, "it will be expedient" to acknowledge Texan independence. Substitute rejected. Votes against the original resolution, which was adopted. (Id. 214; id. 1013.)

Remarks on an amendment to the bill making appropriations for certain harbors and rivers, which provided for the relief of Alexandria. Votes for the amendment, which was agreed to. (Id. 214; id. 1014.)

Votes in favor of an amendment to the General Appropriation Bill, appropriating $30,000 for the manuscripts of James Madison. Amendment agreed to. (Id. 214; id. 1015.)

Moves an amendment appropriating $8,000 for statuary for the Capitol, without naming an artist. Amendment agreed to. (Id. 214; id. 1015.)

Votes against an amendment, which was rejected, to strike out of the appropriation for the contingent appointment of a diplomatic agent to Texas the provision for satisfactory evidence that Texas is independent. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 1016.)

March 2.—Votes in favor of the bill making appropriations for certain harbors and rivers. (G. 24 C. 2 s. 1836–1837, IV. 216; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 1018.)

Votes in favor of a motion to strike from the bill for the repair and construction of certain roads, including the Cumberland Road, the section which provided for repayment of the appropriation for the road out of the two per cent. fund. (Id. 216; id. 1019.)

Votes against a motion to lay on the table the motion to reconsider the vote by which the resolution relative to recognizing Texan independence was adopted. Votes in favor of a motion to reconsider. Motion lost. (Id. 216; id. 1019.)

Votes in favor of a motion to insist on the amendment of the Senate in striking out the section of the Fortifications Bill providing for the distribution of the surplus revenue among the States. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 1020.)

Remarks on a bill to aid the Falmouth and Alexandria Railroad Company to construct their road within the District of Columbia. Votes against engrossing the bill for a third reading, which was ordered. (Id. 1021; G. 24 C. 2 s. 1836–1837, IV. 216.)

March 3.—Votes against a resolution authorizing the purchase of certain books for the several committee-rooms of the Senate. (G. 24 C. 2 s. 1836–1837, IV. 219.)

Votes in favor of adhering to the Senate disagreement with the House in striking out the section of the Fortifications Bill providing for the distribution of surplus revenue. (Id. 219; Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 1034.)

Remarks on the question of printing a memorial from the Cherokee Indians. (Id. 219; id. 1035.)

Votes in favor of agreeing to a report from the Judiciary Committee that Ambrose H. Sevier is entitled to a seat as a Senator from Arkansas. (Reg. 24 C. 2 s. 1836–1837, XIII., pt. 1, 1036.)

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September 4.—Moves that the Senate adjourn, which was agreed to. (G. 25 C. 1 s. 1837, V. 1.)

September 5.—Remarks on the number of copies to be printed of the President's message. (G. 25 C. 1 s. 1837, V. 10.)

September 7.—Presents a memorial for the construction of a turnpike road from the Cumberland Road to Lake Erie. Remarks on the memorial. Also presents a petition from Alleghany College for a grant of land. (G. 25 C. 1 s. 1837, V. 14.)

September 11.—Remarks on the course of Senate business with reference to the presentation of petitions. (G. 25 C. 1 s. 1837, V. 18.)

September 12.—Presents a memorial against the annexation of Texas. (G. 25 C. 1 s. 1837, V. 21.)

Remarks on considering a resolution concerning the jurisdiction of the U. S. District Court for the Northern District of Alabama. (Id. 21.)

Moves the consideration of executive business, which was agreed to. (Id. 21.)

September 14.—Presents remonstrances against the annexation of Texas. (G. 25 C. 1 s. 1837, V. 26.)

* Remarks on the bill to postpone the payment of the fourth instalment of the deposits with the States. (Id. 30, Appendix, 13–14.)

Moves an amendment to the bill that the first three instalments shall remain on deposit with the States until otherwise directed by Congress. The amendment was adopted. Votes against a proposed substitute. Votes in favor of engrossing the bill for a third reading. (Id. 30.)

September 15.—Votes in favor of the passage of the bill to postpone the payment of the fourth instalment of the deposits with the States. (G. 25 C. 1 s. 1837, V. 32.)

September 16.—Votes against a motion to postpone the bill authorizing the Secretary of the Treasury to issue Treasury notes. (G. 25 C. 1 s. 1837, V. 36.)

September 18.—Votes in favor of engrossing the above bill for a third reading. (G. 25 C. 1 s. 1837, V. 38.)

Remarks on a bill authorizing the deposit of merchandise in the public stores. (Niles' Register, Sept. 23, 1837, LIII. 59; G. 25 C. 1 s. 1837, V. 38.)

September 25.—Presents a memorial against the annexation of Texas. (G. 25 C. 1 s. 1837, V. 67.)

Votes against a motion to postpone the bill imposing certain duties on public officers as depositories in certain cases. (Id. 68.)

September 26.—Moves that the Committee on Foreign Relations be discharged from consideration of a memorial from certain insurance officers for indemnity for a vessel destroyed in 1800. Remarks. The motion was agreed to. (G. 25 C. 1 s. 1837, V. 73.)

Votes against a motion to postpone the resolution reported by the Committee on Finance in favor of granting the petition for a national bank. (Id. 73.) Votes on various amendments. (Id. 74, 75, 76.) Votes in favor of the resolution as reported. (Id. 76.)

September 27.—Remarks on a suggested adjournment, during consideration of the bill imposing certain duties on public officers as depositories. (G. 25 C. 1 s. 1837, V. 80.)

September 28—Gives notice of an intention to address the Senate on the bill imposing certain duties on public officers as depositories, but moves an adjournment, which was agreed to. (G. 25 C. 1 s. 1837, V. 83.)

* *September* 29.—Speech on the above bill. (G. 25 C. 1 s. 1837, V. 85, Appendix, 94–103.)

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September 30.—Presents memorials against the annexation of Texas. (G. 25 C. 1 s. 1837, V. 91.)

Votes in favor of concurring in the House amendment to the bill to postpone the fourth instalment of deposits with the States. (Id. 92.)

October 2.—Moves to postpone consideration of the bill to regulate the fees of United States district attorneys in certain cases, which was agreed to. (G. 25 C. 1 s. 1837, V. 94.)

Remarks on a resolution as to the day of adjournment. (Id. 94.)

* *October* 3.—Remarks on the bill imposing certain duties on public officers as depositories. Votes on various amendments to the bill. Votes in favor of engrossing it for a third reading, which was ordered. (G. 25 C. 1 s. 1837, V. 96.)

* *October* 4.—Remarks on the bill regulating the fees of United States district attorneys in the renewal of merchants' bonds. (G. 25 C. 1 s. 1837, V. 100.)

Votes in favor of the passage of the bill imposing additional duties on public officers as depositories in certain cases. (Id. 100, Appendix, 111.)

* *October* 9.—Adoption of his amendment to the bill regulating the fees of district attorneys in the renewal of merchants' bonds, allowing $4 for all bonds exceeding $500 and $2 for all bonds of and under that sum. (G. 25 C. 1 s. 1837, V. 115.)

Remarks on Clay's amendment to the bill, placing the cases of extension of bonds given for duties on imports under the direction of the Secretary of the Treasury, the charges to be the same as those receivable on taking an original bond. Votes against the amendment, which was agreed to. Speaks on the bill, and moves recommitment with instructions to provide reasonable compensation to district attorneys for services already rendered in extending bonds. Motion lost. (Id. 116.)

Moves amendment to the bill authorizing merchandise to be deposited in the public stores, with reference to imported railroad iron. Amendment agreed to. (Id. 116.)

October 10.—Presents memorials against the annexation of Texas. (G. 25 C. 1 s. 1837, V. 120.)

Votes against a motion to postpone the bill authorizing the deposit of merchandise in warehouses. Motion lost. Votes against a proposal making it optional, until July 1, 1842, for an importer in certain cases to place dutiable goods in store or to give bonds for the duties. (Id. 121.)

Votes against an amendment to the bill to authorize the issue of Treasury notes, making $100 the minimum. Votes in favor of the passage of the bill. (Id. 121.)

Moves that the Senate proceed with executive business, which was agreed to. (Id. 121.)

* *October* 11.—Remarks on the bill authorizing the deposit of merchandise in public warehouses. (G. 25 C. 1 s. 1837, V. 123, 124.) Votes against a motion to postpone the bill. Votes in favor of engrossing the bill for a third reading. (Id. 124.)

Remarks on the bill revoking the charters of certain banks in the District of Columbia, and for the suppression of small notes therein. (Id. 125.)

October 14.—Presents petitions against the admission into the Union of any new State that permits slavery; also memorials against the admission of Texas. (G. 25 C. 1 s. 1837, V. 138.)

Remarks on the question of reading for a second and third time and passing the House bill for the suppression of Indian hostilities in Florida. (Id. 139.)

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Remarks on the House amendments to the bill for adjusting the claims of the Government on the late deposit banks, extending the time for the first, second, and third payments. (Id. 139, 140.)

December 4.—Appears as a Senator from Pennsylvania. (G. 25 C. 2 s. 1837–1838, VI. 1.)

December 6.—Remarks on a motion that the Chair appoint the standing committees. (G. 25 C. 2 s. 1837–1838, VI. 9.)

Gives notice that he will, on the next day, introduce a bill to explain and amend the 5th section of the act of June 30, 1834, for the better organization of the United States Marine Corps. (Id. 9.)

December 7.—On the announcement of the standing committees, appears as Chairman of the Committee on Foreign Relations and as a member of the Committee on Manufactures. (G. 25 C. 2 s. 1837–1838, VI. 15; S. Doc. 4, 25 C. 2 s.)

Presents the petition of the Union Bank of Georgetown for an extension of charter to wind up its affairs; also a memorial from Richard W. Harrison for remuneration for moneys expended for the United States. (Id. 15.)

Introduces a bill amending the act of June 30, 1834, for the better organization of the Marine Corps. (Id. 15.)

* *December* 14.—Remarks on a resolution to rescind the Expunging Resolution. (G. 25 C. 2 s. 1837–1838, VI. 27.)

December 18.—Presents a number of resolutions relating to the paper currency, to a new custom-house at Philadelphia, to the annexation of Texas, to a grant of land to the Alleghany College, and to the Erie Road. (G. 25 C. 2 s. 1837–1838, VI. 33.)

* Remarks on petitions for the abolition of slavery in the District of Columbia. (Id. 38–39.)

Votes in favor of a motion to lay the petitions on the table. (Id. 39.)

December 21.—Votes against a motion to postpone the bill to restrain the issue of small notes in the District of Columbia. (G. 25 C. 2 s. 1837–1838, VI. 45.)

December 22.—Votes against a motion to commit the bill to restrain the issue of small notes in the District of Columbia. Votes in favor of an amendment. Votes in favor of engrossing the bill for a third reading. (G. 25 C. 2 s. 1837–1838, VI. 50.)

* *December* 26.—Remarks on the bill to restrain the issue of small notes in the District of Columbia. (G. 25 C. 2 s. 1837–1838, VI. 51–52.)

* Remarks on the bill authorizing the States to tax lands sold by the United States. (Id., Appendix, 17.)

Votes in favor of the passage of the bill to restrain the issue of small notes in the District of Columbia. (Id. 54.)

December 27.—Participates in a debate on the bill authorizing the States to tax certain lands. Votes in favor of engrossing the bill for a third reading. (G. 25 C. 2 s. 1837–1838, VI. 55.)

December 28.—Presents the petition of the Union Bank of Georgetown to be reimbursed for certain losses. (G. 25 C. 2 s. 1837–1838, VI. 58.)

Appointed a member of a select committee on the resolution to amend the Constitution. (G. 25 C. 2 s. 1837–1838, VI. 63.)

December 29.—Votes in favor of an amendment to the bill relating to the punishment of crimes against the United States, substituting for the penalty of "death" that of "imprisonment at hard labor," for the crime of burning public buildings or documents. (G. 25 C. 2 s. 1837–1838, VI. 67.)

Remarks on the claim of the executrix of Richard W. Meade. (Niles' Register, Jan. 6, 1838, LIII. 291–292.)

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SENATE (Continued), 1838.

January 2, 1838.—Presents the memorial of B. H. Lubitsh-Klimkiewitch for relief. (G. 25 C. 2 s. 1837–1838, VI. 70.)

* Presents and comments upon a memorial from Philadelphia citizens, relative to the discharge of mechanics from the Philadelphia Navy-yard. (Id. 70; Niles' Register, Jan. 6, 1838, LIII. 292.)

Presents memorials against the annexation of Texas, on the subject of abolition, for the alteration of certain post routes, and for a dry-dock at Philadelphia. (Id. 70.)

January 3.—Presents petitions for a monument to General Washington, for the abolition of duties on flour, and against the annexation of Texas. (G. 25 C. 2 s. 1837–1838, VI. 73.)

Remarks and votes on Calhoun's resolutions on the slavery question. (Id. 74.)

January 4.—Moves the adjournment of the Senate, which was agreed to. (G. 25 C. 2 s. 1837–1838, VI. 76.)

* Remarks during the discussion of Calhoun's resolutions against intermeddling with slavery. (Id., Appendix, 23.)

January 5.—Presents the petition of James Miller, to be indemnified for the loss of his plantation in the Florida War. (G. 25 C. 2 s. 1837–1838, VI. 79.)

Moves to lay over for a day a report against the petition of the Union Bank of Georgetown for reimbursement for certain losses. (Id. 80.)

Votes for a substitute for the proviso in Calhoun's third resolution on slavery, the substitute requiring that the resolution should not so be construed as to impair the freedom of speech or of the press or the right of petition. The substitute was adopted. (Id. 80, Appendix, 25.) Remarks on Calhoun's resolutions. (Id., Appendix, 30–31.)

January 6.—Gives notice that he will, on the Monday following, introduce a bill to repeal the duties on certain imports. (G. 25 C. 2 s. 1837–1838, VI. 80.)

Votes against an amendment to the third resolution of Calhoun on slavery, concerning the right of free speech and of the liberty of the press. (Id. 80.) Votes against an amendment to the third resolution. (Id. 81.) Votes in favor of adopting the third resolution. (Id. 81.)

January 9.—Presents petitions relating to various subjects. (G. 25 C. 2 s. 1837–1838, VI. 87.)

* Reports a bill, and speaks thereon, to enforce the laws relating to neutrality. (Id. 88.)

Votes in favor of adopting Calhoun's fourth resolution as modified. (Id. 88, Appendix, 53.)

Introduces a bill to repeal certain portions of the act of July, 1832, relating to duties on imports. (Niles' Register, Jan. 13, 1838, LIII. 307.)

January 10.—Presents the petition of Edward H. Clarke for compensation for the services of George Clarke. (G. 25 C. 2 s. 1837–1838, VI. 91.)

* Remarks on Calhoun's resolutions against intermeddling with slavery. (Id. 91, Appendix, 61, 62, 63, 64, 65.) Votes in favor of a substitute for the fifth resolution, in relation to slavery in the District of Columbia. (Id., Appendix, 62.) Moves to strike out that part of the resolution relating to Florida and the Indian territory. Motion adopted. (Id. 63.)

January 11.—Presents petitions. (G. 25 C. 2 s. 1837–1838, VI. 96.)

* Remarks on Calhoun's resolutions as to slavery. Votes for an amendment to the resolution, affecting territories. Votes against a substitute reso-

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lution. Votes in favor of adopting the resolution as modified. (Id. 96–97, Appendix, 69, 70, 72, 73, 73–74.)

January 12.—Presents a petition for establishing New Castle as a port of entry. (G. 25 C. 2 s. 1837–1838, VI. 98.)

Votes against a motion to lay on the table the sixth resolution of Calhoun on slavery. Votes against a motion to lay on the table the resolution with certain proposed amendments as to freedom of speech and liberty of the press. (Id. 98.)

January 15.—Presents a petition against an international copyright bill. (G. 25 C. 2 s. 1837–1838, VI. 102.)

* Remarks on the amendment of the neutrality laws. (Id. 103–104.)

January 16.—Votes against a motion to lay on the table the question of the reception of resolutions of the Vermont Legislature for the abolition of slavery in the District of Columbia. (G. 25 C. 2 s. 1837–1838, VI. 112.)

Moves to take up the bill amending the neutrality laws, which motion was lost. (Id. 112.)

January 17.—Moves to take up the bill amending the neutrality laws, which was agreed to. Remarks on the subject. (G. 25 C. 2 s. 1837–1838, VI. 118.)

January 18.—Moves to lay on the table and to order to be printed a report from the Secretary of the Treasury as to the amount of specie received at the Treasury, which motion was agreed to. (G. 25 C. 2 s. 1837–1838, VI. 119.)

Votes in favor of a motion to lay on the table the motion to reconsider the vote making the Sub-Treasury Bill the order of the day for Tuesday fortnight. Votes against the motion to reconsider the vote. (Id. 120.)

January 19.—Presents a memorial for the completion of the frigate *Raritan*. (G. 25 C. 2 s. 1837–1838, VI. 121.)

Remarks on the bill for the relief of the executrix of Richard W. Meade. Votes against a motion to recommit. Votes in favor of the bill, which was passed. (Id. 121.)

January 22.—Presents the petitions of Robert Milnor and John Thompson for remuneration for certain services. (G. 25 C. 2 s. 1837–1838, VI. 123.)

* Reports a bill for the relief of General Thomas Sumpter. (Id. 123; S. Doc. 123, 25 C. 2 s.)

Votes against an amendment to the bill for the regulation of steamboats, prohibiting racing. (Id. 125.)

January 23.—Moves postponement of the bill for the relief of T. L. Winthrop and others, of the New England Mississippi Land Company, which was agreed to. (G. 25 C. 2 s. VI. 130.)

* *January* 24.—Votes against a motion to recommit the bill to increase the present military establishment, with instructions to increase regiments to three and fill up companies to sixty-eight. Remarks on the bill. (G. 25 C. 2 s. 1837–1838, VI. 133.)

January 25.—Votes against a motion to adjourn. Votes on various amendments to the bill granting the right of pre-emption to actual settlers on the public lands. (G. 25 C. 2 s. 1837–1838, VI. 137, 138.)

January 26.—Votes against an amendment to the bill granting the right of pre-emption to actual settlers. Votes against a motion to postpone. (G. 25 C. 2 s. 1837–1838, VI. 144.)

* *January* 27.—Remarks on the bill to grant the right of pre-emption to settlers on the public lands. (G. 25 C. 2 s. 1837–1838, VI., Appendix, 131, 132.) Votes on various amendments. Votes in favor of engrossing the bill

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for a third reading. (G. 25 C. 2 s. 1837–1838, VI., Appendix, 56, 57, 131, 132, 133, 135.)

January 29.—Presents a petition for the abolition of slavery in the District of Columbia. (G. 25 C. 2 s. 1837–1838, VI. 147.)

January 30.—Presents several memorials for an appropriation for the completion of the Raritan. (G. 25 C. 2 s. 1837–1838, VI. 148.)

* Remarks on the bill to increase the present military establishment. (Id. 149.)

Participates in the debate on a bill providing for the settlement of claims to land derived from certain grants in Louisiana and Arkansas. Votes for the bill, which was passed. (Id. 149.)

Votes aye on the passage of the bill to grant pre-emption rights to settlers on the public lands. (Id. 149, Appendix, 143.)

February 1.—Presents the petition of Major R. L. Baker for brevet pay; also memorials protesting against the passage of an international copyright law. (G. 25 C. 2 s. 1837–1838, VI. 153.)

Votes for a motion to amend the bill to impose additional duties upon certain officers as depositories. (Id. 153.) Votes for a provision of $3,000 for the salary of the Receiver-General at New York. Agreed to. (Id. 154.)

February 2.—Presents the petition of Colonel S. Miller for compensation for certain property and for certain services. (G. 25 C. 2 s. 1837–1838, VI. 155–156.)

Remarks in opposition to a bill for the relief of Thomas L. Winthrop and others. (Id. 156.)

February 5.—Presents eight memorials for a marine hospital at Pittsburg. (G. 25 C. 2 s. 1837–1838, VI. 160.)

February 6.—Presents memorials for a marine hospital at Pittsburg. (G. 25 C. 2 s. 1837–1838, VI. 164.)

* Remarks on a motion to refer the report of the Secretary of the Treasury on the amount of public moneys in the Commonwealth Bank at Boston. (Id. 166.)

February 7.—Presents petitions on claims. (G. 25 C. 2 s. 1837–1838, VI. 168.)

* Remarks on a bill for the establishment of Oregon Territory. (Id. 169.)

* *February* 12.—Remarks on a national foundry for Maryland. (G. 25 C. 2 s. 1837–1838, VI. 177.)

Presents a memorial for the establishment of a marine hospital at Pittsburg; also memorials from certain army officers for grant of lands. (Id. 177–178.)

February 14.—Introduces a bill for regulating processes in the United States courts and providing for compensation of court officers, jurors, and witnesses. (G. 25 C. 2 s. 1837–1838, VI. 183.)

* *February* 19.—Remarks on instructions of the Pennsylvania Legislature to vote against the Sub-Treasury Bill. (G. 25 C. 2 s. 1837–1838, VI. 190–191.)

February 20.—Presents petitions for a marine hospital at Pittsburg; also a petition for the completion of the *Raritan*. (G. 25 C. 2 s. 1837–1838, VI. 192.)

* Remarks on instructions of the Pennsylvania Legislature to vote against the Sub-Treasury Bill. (G. 25 C. 2 s. 1837–1838, VI. 192.)

February 21.—Votes in favor of a motion to lay on the table the bill for the continuation of the Cumberland Road in Indiana, Illinois, and Mississippi. (G. 25 C. 2 s. 1837–1838, VI. 195.)

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February 26.—Presents a memorial for a dry-dock at Philadelphia. (G. 25 C. 2 s. 1837–1838, VI. 199.)

* *February* 28.—Remarks on resolutions of the Democratic delegation of Philadelphia County, Pennsylvania, concerning the Sub-Treasury Bill. (G. 25 C. 2 s. 1837–1838, VI. 202.)

* *March* 1.—Remarks on a memorial from delegates to a convention in Philadelphia to reform the Pennsylvania State constitution, concerning the Sub-Treasury Bill. (G. 25 C. 2 s. 1837–1838, VI. 204.)

* Remarks on a memorial for the establishment of marine hospitals at Pittsburg and Erie. (Id. 204.)

Remarks on the subject of brevet pay, with reference to the bill for the relief of Major-General Alexander Macomb. (Id. 204.)

March 2.—Presents a memorial for the completion of the frigate *Raritan*. (G. 25 C. 2 s. 1837–1838, VI. 206.)

March 3.—Presents the petition of Isabella Truxton, widow of Lieutenant Payne, for a pension. (G. 25 C. 2 s. 1837–1838, VI. 208.)

March 5.—Presents the petition of Captain Britton Evans for reimbursement for the loss of certain property. (G. 25 C. 2 s. 1837–1838, VI. 214.)

* Remarks on the bill to amend the neutrality laws. (Id. 214–215, 216.)

Participates in the debate on a bill to establish a surveyor-general's office in Illinois. (Id. 216.)

March 6.—Votes against a motion to strike from the bill to establish a surveyor-general's office in Illinois the salary of $2,000 and insert $1,200, which was agreed to. Votes for a motion to lay the bill on the table, which was agreed to. (G. 25 C. 2 s. 1837–1838, VI. 223.)

* Remarks on the bill to amend the neutrality laws. (Id. 223.)

* Remarks on the Independent Treasury Bill. (Id. 223.)

* *March* 7.—Remarks on the presentation of the proceedings of a meeting of Democrats of Philadelphia opposed to the Independent Treasury Bill. (G. 25 C. 2 s. 1837–1838, VI. 225.)

Votes on his motion to postpone the Independent Treasury Bill and amendment; the motion was lost. (Id. 227.)

* Remarks on the bill. (Id. 228–230.)

* *March* 8.—Report of the conference on the amendment of the bill to amend the neutrality laws. (G. 25 C. 2 s. 1837–1838, VI. 260.)

Votes against an amendment to the Independent Treasury Bill, providing for the employment of twenty-five banks whose stock is owned in whole or in part by the State in which they are established. (Id. 241.)

* *March* 9.—Remarks on memorials presented by him for the establishment of a naval dry-dock at Philadelphia. (G. 25 C. 2 s. 1837–1838, VI. 231.)

March 10.—Presents a petition, and speaks thereon, on the subject of the currency. (G. 25 C. 2 s. 1837–1838, VI. 232.)

March 12.—Presents a memorial to suppress duelling. (G. 25 C. 2 s. 1837–1838, VI. 235.)

March 14.—Presents a memorial for a dry-dock at Philadelphia. (G. 25 C. 2 s. 1837–1838, VI. 239.)

Votes in favor of an amendment to a bill making appropriations for certain roads in Wisconsin. (Id. 239.) Moves that consideration of the bill be passed over informally, for the purpose of considering the Independent Treasury Bill, which was agreed to. (Id. 239.)

* *March* 15.—Presents and comments upon the proceedings of a Democratic meeting at Philadelphia in support of the Independent Treasury Bill. (G. 25 C. 2 s. 1837–1838, VI. 240.)

Presents a memorial for a dry-dock at Philadelphia. (Id. 241.)

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March 19.—Presents a petition for suitable accommodations for the United States courts in Philadelphia; also a memorial against an international copyright bill. (G. 25 C. 2 s. 1837–1838, VI. 245.)

March 20.—Presents memorials of the heirs of Thomas Lucas, praying for commutation. (G. 25 C. 2 s. 1837–1838, VI. 247.)

Votes in favor of laying on the table a resolution relative to the transfer of slaves from the United States to Texas. Motion carried. (Id. 247.)

March 21.—Presents a petition protesting against the annexation of Texas; also a petition for the abolition of slavery in the District of Columbia. (G. 25 C. 2 s. 1837–1838, VI. 250.)

Remarks on the printing of a report and accompanying documents in relation to the introduction of the cultivation of tropical plants in Florida. (Id. 250.)

Moves to pass over informally the bill to change the times of holding the courts of the United States in the Ninth Circuit, which was agreed to. (Id. 250.)

Votes against an amendment to the Independent Treasury Bill. (Id. 250, 251.)

March 23.—Presents a memorial for the suppression of duelling; also a memorial of John P. Van Ness, President of the Metropolis Bank, concerning a mistake in correspondence transmitted to the Senate, between the bank and certain public departments. (G. 25 C. 2 s. 1837–1838, VI. 256.)

March 24.—Votes on various amendments to the Independent Treasury Bill. Votes against engrossing the bill for a third reading, which was ordered. (G. 25 C. 2 s. 1837–1838, VI. 259.)

March 26.—Presents a memorial for the suppression of duelling; also a memorial for the abolition of slavery in the District of Columbia. (G. 25 C. 2 s. 1837–1838, VI. 262.)

Votes in favor of laying on the table the subject of certain memorials concerning the Cherokee treaty. (Id. 264.)

Votes in favor of a motion to postpone the Independent Treasury Bill. Votes against the bill, which was passed. (Id. 264.)

March 27.—Remarks on the subject of a memorial from Virginia relating to the exaction of specie payment. (G. 25 C. 2 s. 1837–1838, VI. 268.)

Moves that the Secretary of War inform the Senate what portions of the estimates for the Cumberland Road might be dispensed with, which was agreed to. (Id. 269.)

March 28.—Presents a memorial for the suppression of duelling; also a petition for the abolition of slavery in the District of Columbia. (G. 25 C. 2 s. 1837–1838, VI. 271.)

*Remarks on a memorial concerning the affair of the *Caroline*. (Id. 271.)

Votes in favor of postponement of the bill for the relief of William R. Taylor. (Id. 272.)

March 29.—Presents a petition for the suppression of duelling. (G. 25 C. 2 s. 1837–1838, VI. 274.)

Moves the reference of a petition previously presented by him on the subject of international copyright to the Committee on Patents, which was agreed to. (Id. 274.)

April 9.—Presents a petition on the subject of duelling. (G. 25 C. 2 s. 1837–1838, VI. 292.)

Votes in favor of the passage of a bill to prohibit the giving or accepting of a challenge in the District of Columbia. The bill was passed. (Id. 292.)

Makes and speaks upon a motion to postpone the bill concerning the act

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to establish the northern boundary of Ohio and to provide for the admission of Michigan. (Id. 295.)

April 10.—Presents a petition against the passage of the international copyright bill; also a petition on the subject of duelling. (G. 25 C. 2 s. 1837–1838, VI. 296.)

Votes in favor of a motion to postpone indefinitely the bill for the relief of Bolitha Laws. (Id. 296.)

* *April* 11.—Remarks on relations with Mexico. (G. 25 C. 2 s. 1837–1838, VI. 299–300, 301.)

April 12.—Presents the proceedings of a meeting in the county of Washington, Pennsylvania, opposed to duelling. (G. 25 C. 2 s. 1837–1838, VI. 302.)

Votes in favor of an amendment to the bill to provide for the graduation and reduction of the price of public lands. (Id. 303.)

Votes against engrossing the bill for a third reading, which was ordered. (Id. 303.)

April 13.—Presents a petition concerning the Cherokee treaty; also a petition on the subject of duelling. (G. 25 C. 2 s. 1837–1838, VI. 304.)

* Remarks on the bill providing for the reduction and graduation of the price of public lands. (Id. 304–305.)

Votes against the passage of the bill. (Id. 305.)

April 17.—Remarks on the bill for the relief of Thomas L. Winthrop and others, of the New England Mississippi Land Company. Votes in favor of engrossing the bill for a third reading, which was ordered. (G. 25 C. 2 s. 1837–1838, VI. 313.)

April 18.—Remarks on the consideration of the bill in relation to preventing the reissue and circulation of bills, notes, and other securities of corporations created by acts of Congress which have expired. (G. 25 C. 2 s. 1837–1838, VI. 315.)

Remarks in favor of a bill to establish a board of commissioners to examine claims against the United States. (Id. 316.)

April 19.—Votes against a motion to postpone consideration of the resolution fixing a day for adjournment. Motion carried. (G. 25 C. 2 s. 1837–1838, VI. 318.)

April 20.—Participates in debate, supporting the bill to prevent the reissue and circulation of expired bills, notes, and other securities of corporations created by Congress. Votes in favor of engrossing the bill for a third reading. (G. 25 C. 2 s. 1837–1838, VI. 319.)

* *April* 23.—Speech on the bill to prevent the reissue and circulation of expired bills, notes, and other securities of corporations created by Congress. (G. 25 C. 2 s. 1837–1838, VI. 323, 324, Appendix, 304–310.) Votes in favor of the bill, which was passed. (Id. 324.)

April 24.—Presents a memorial of the Philadelphia Chamber of Commerce for certain improvements in navigation; also a memorial of Walter R. Johnson for an institution for researches in physical science. (G. 25 C. 2 s. 1837–1838, VI. 326.)

April 25.—Participates in debate, supporting the bill to establish a board of commissioners to consider claims against the United States. Votes against a motion to lay the matter on the table, with a view to the appointment of a select committee to inquire into the subject of claims. (G. 25 C. 2 s. 1837–1838, VI. 334.)

April 26.—Moves the printing and reference of a memorial previously presented by him for the repair of piers at Reedy Island, in the Delaware, which was agreed to. (G. 25 C. 2 s. 1837–1838, VI. 336.)

Votes against an amendment to the bill to establish a board of commis-

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sioners to examine claims against the United States, reducing the compensation of the commissioners. Remarks advocating the bill. Votes in favor of engrossing the bill for a third reading, which was ordered. (G. 25 C. 2 s. 1837–1838, VI. 337.)

April 27.—Votes in favor of an amendment to the bill to provide for the security of the emigrant and other Indians west of Missouri and Arkansas. (G. 25 C. 2 s. 1837–1838, VI. 340.)

May 2.—Presents and comments upon memorials against international copyright legislation; also memorials relating to making New Castle a port of entry, to the discovery of Espy as to causes of storms, to the annexation of Texas, and to the abolition of slavery. (G. 25 C. 2 s. 1837–1838, VI. 351.)

Votes for the bill to provide for the security of the emigrant and other Indians west of Missouri and Arkansas, which was passed. (Id. 352.)

* Remarks on the joint resolution on the subject of currency discriminations. Votes in favor of a motion to refer the resolution to the Committee on Finance. (Id. 352, Appendix, 296.)

* *May 7.*—Remarks on a bill to increase the salary of the Commissioner of the General Land Office. Votes against engrossing the bill for a third reading. (G. 25 C. 2 s. 1837–1838, VI. 356.)

Votes in favor of the indefinite postponement of the bill to increase the salaries of certain district judges. (Id. 357.)

May 10.—Presents and comments upon a memorial of the trustees of the University of Pennsylvania, for the grant of public lands to it and other institutions for educational purposes. (G. 25 C. 2 s. 1837–1838, VI. 360.)

Remarks on a bill for the erection of a hospital in the District of Columbia; moves postponement of the subject, which was agreed to. (Id. 360.)

Remarks on the question of further considering the bill to continue the corporate existence of the banks of the District of Columbia. (Id. 361.)

Moves consideration of executive business, which was agreed to. (Id. 361.)

* *May 11.*—Remarks on the bill to continue the corporate existence of the banks of the District of Columbia. Moves to strike out the 2d section of the bill. (G. 25 C. 2 s. 1837–1838, VI. 365, 366.) The amendment was agreed to. (Id. 368.)

Moves an amendment to the 29th section, to compel banks to keep on hand coin equal to one-fourth of their private deposits, as well as of their circulation. Remarks on the amendment. (Id. 368.)

May 12.—Presents a memorial concerning the Cherokee treaty. (G. 25 C. 2 s. 1837–1838, VI. 372.)

May 14.—Remarks on his amendment to the 29th section of the bill to continue the corporate existence of banks in the District of Columbia. (G. 25 C. 2 s. 1837–1838, VI. 373.)

May 16.—Votes against a motion, which was carried, to print 30,000 copies of the report of the Committee on Finance on Clay's joint resolution as to currency discriminations. (G. 25 C. 2 s. 1837–1838, VI. 379.)

May 17.—Votes against a motion to lay on the table a resolution offered by Mr. Allen for an inquiry into the condition of the banks in the District of Columbia that have applied for an extension of their charters. (G. 25 C. 2 s. 1837–1838, VI. 381.) Votes in favor of a similar motion subsequently made. (Id. 382.)

Votes in favor of his amendment to the 29th section of the bill to continue the corporate existence of the banks of the District of Columbia. Amendment rejected. Votes in favor of an amendment to the 29th section,

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which in effect was to require banks to keep on hand coin equal to one-third of their circulation. Amendment adopted. (Id. 382.)

May 18.—Votes against an amendment to the bill to authorize the issuing of Treasury notes to meet current expenses of the Government, by limiting the issue to $2,000,000. Amendment rejected. Votes in favor of engrossing the bill for a third reading, which was ordered. (G. 25 C. 2 s. 1837–1838, VI. 391.)

May 21.—Presents a memorial from merchants and underwriters of Philadelphia for a law requiring at least sixty days' notice before wrecked property could be sold. (G. 25 C. 2 s. 1837–1838, VI. 396.)

* Remarks on a plan presented by Mr. Clay for a Bank of the United States. (Id. 397–398.)

Remarks on the bill to continue the corporate existence of banks in the District of Columbia for twenty years. (Id. 399.) Moves to modify Benton's substitute requiring the banks to resume sooner than January 1, 1839, if the principal banks in Baltimore and Richmond should resume sooner, which amendment was accepted by Mr. Benton. Moves to strike out the second clause of Benton's proviso, relating to the notes of other banks, which was agreed to. Votes in favor of Benton's substitute for the bill, which was adopted. (Id. 399.)

May 22.—Presents a petition for a Bank of the United States. (G. 25 C. 2 s. 1837–1838, VI. 401.)

Votes against an amendment to the bill amending the act giving the assent of Congress to the act of the Virginia Legislature incorporating the Falmouth and Alexandria Railroad Company, by appropriating $300,000. Votes against ordering the bill to be engrossed for a third reading, which was ordered. (Id. 404.)

* *May* 23.—Votes on various amendments to the bill for the continuation of the Cumberland Road through the States of Ohio, Indiana, and Illinois. Remarks on the clause appropriating $9,000 for a bridge on the part of the road leading through Pennsylvania. Votes against a motion to reduce the appropriation of the bill from $150,000 to $100,000. Motion lost. Votes in favor of engrossing the bill for a third reading, which was ordered. (G. 25 C. 2 s. 1837–1838, VI. 407–408.)

May 24.—Votes aye on the passage of the bill for the continuation of the Cumberland Road through Ohio, Indiana, and Illinois. (G. 25 C. 2 s. 1837–1838, VI. 409.)

May 25.—Votes against a motion to strike from the Naval Appropriation Bill the appropriation for an exploring expedition. Motion lost. (G. 25 C. 2 s. 1837–1838, VI. 411.)

* Remarks on Clay's resolution on currency discriminations. (Id. 411, Appendix, 346–347.)

May 26.—Votes in favor of several motions striking out part of the resolution on currency discriminations. (G. 25 C. 2 s. 1837–1838, VI. 412.)

May 28.—Presents a memorial of William B. Stokes for remuneration for losses sustained in consequence of the Postmaster-General's refusal to pay an award of the Solicitor of the Treasury; also memorials remonstrating against the Cherokee treaty. (G. 25 C. 2 s. 1837–1838, VI. 415.)

Votes against an amendment to Clay's resolution on currency discriminations. Votes in favor of engrossing the resolution, which was ordered. (Id. 415.)

May 29.—Votes aye on the passage of Clay's resolution on currency discriminations. (G. 25 C. 2 s. 1837–1838, VI. 416.)

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May 30.—Votes to lay on the table the bill for the relief of John J. Boulou. (G. 25 C. 2 s. 1837–1838, VI. 417.)

May 31.—Presents the petition of F. P. Blair for certain relief. (G. 25 C. 2 s. 1837–1838, VI. 419.)

Remarks on presentation of petitions for a United States Bank. (Id. 419.)

Participates in a debate on a bill in regard to the town of Southport, Territory of Wisconsin; votes in favor of the bill, which was passed. (Id. 421.)

* *June* 12.—Remarks on petitions presented by Mr. Webster for the repeal of the portion of the deposit act of 1836 which prohibited the receipt by the Government of notes of banks which, since the act, had issued notes of less than $5 denomination. (G. 25 C. 2 s. 1837–1838, VI. 448.)

Votes in favor of engrossing for a third reading the bill to encourage the cultivation of tropical plants in the United States. (Id. 449.)

June 13.—Remarks on the question of the consideration of a bill for the relief of Major-General Macomb. (G. 25 C. 2 s. 1837–1838, VI. 450.)

Votes against engrossing for a third reading a bill to set apart a belt of land on the western borders of Missouri and Arkansas, as bounty land for settlers engaged for a term of years in the defence of the frontier. (Id. 450.)

June 14.—Presents the proceedings of a Democratic meeting in Philadelphia in favor of the Independent Treasury Bill; also a memorial in favor of the Independent Treasury Bill, and against a National Bank. (G. 25 C. 2 s. 1837–1838, VI. 452.)

Remarks on the question of the consideration of Mr. Williams's motion for leave to bring in a bill for a joint commission to survey the northeastern boundary of the United States on the basis of the treaty of 1783. (Id. 453.)

Moves the discharge of the Committee on Foreign Relations from further consideration of the petition of George T. Byard, and its reference to the Committee on Claims. (Id. 453.)

Votes in favor of a motion to lay on the table a joint resolution on the annexation of Texas. Motion prevailed. (Id. 453.)

June 16.—Presents memorials in favor of the Independent Treasury Bill. (G. 25 C. 2 s. 1837–1838, VI. 455.)

Reports the House bill for settlement of the accounts of Richard Harris, late United States commercial agent in Spain. (Id. 455.)

Votes against various amendments to the bill establishing a surveyor-general's office in Michigan. Votes against a motion to lay the bill on the table. (Id. 455–456.)

Votes against engrossing for a third reading the bill for the relief of Major-General Alexander Macomb. (Id. 456.)

June 18.—Presents memorials in favor of the Sub-Treasury Bill, and against a United States Bank; also a petition against an international copyright law; also a petition for a diplomatic agent to Hayti, and commercial regulations with that country. (G. 25 C. 2 s. 1837–1838, VI. 457.)

* Speech on a motion for leave to bring in a bill for a joint commission to survey the northeastern boundary according to the provisions of the treaty of peace of 1783. (Id. 457, Appendix, 382–387.)

June 19.—Remarks on the bill to grant pre-emption to settlers on the public lands. Votes on several House amendments to the bill. Votes in favor of concurring in the House amendments to the bill as amended. (G. 25 C. 2 s. 1837–1838, VI. 462, 463.)

June 20.—Presents memorials in favor of the Independent Treasury Bill and against a United States Bank. (G. 25 C. 2 s. 1837–1838, VI. 464.)

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Votes in favor of engrossing for a third reading the bill for abolishing imprisonment for debt in certain cases. So ordered. (Id. 464.)

Participates in a debate on Mr. Williams's motion for leave to bring in a bill for the survey of the northeastern boundary of the United States according to the treaty of 1783, and, the bill having been introduced, advocates its reference to the Committee on Foreign Relations. (Id. 464, 465.)

June 22.—Presents a petition in favor of the Independent Treasury Bill and against a United States Bank. (G. 25 C. 2 s. 1837–1838, VI. 473.)

June 25.—Presents memorials in favor of the Independent Treasury Bill and against a United States Bank. (G. 25 C. 2 s. 1837–1838, VI. 478.)

Votes against a motion to rescind that part of the resolution requiring original papers on private claims not to be withdrawn, but allowing copies to be made for certain compensation, which required compensation for copies obtained. Motion prevailed. Votes against Sevier's motion to rescind the whole rule, which motion was lost. (Id. 478.)

* Remarks on a resolution fixing the day of adjournment. (Id. 478–479.)

Votes aye on the passage of the bill for the benefit of the Alabama, Florida, and Georgia Railroad Company. (Id. 479.)

* *June* 26.—Remarks on the resolution fixing a day of adjournment. Votes against Benton's motion to postpone the consideration of the resolution. (G. 25 C. 2 s. 1837–1838, VI. 481.)

Remarks on introducing a bill supplementary to the act to establish the Treasury Department. (Id. 481.)

* *June* 27.—Remarks on offering as a substitute for Mr. Webster's bill for the collection of the public revenue a bill introduced on June 26, 1838. (G. 25 C. 2 s. 1837–1838, VI. 483, Appendix, 399–401.)

Participates in the discussion of the bill to divide the State of Delaware into two collection districts. (Id. 483.)

* *June* 28.—Remarks on his substitute for Webster's bill for the collection of the public revenue. (G. 25 C. 2 s. 1837–1838, VI. 485, Appendix, 466–467.)

Votes against engrossing for a third reading a bill to purchase the right to use in the Army and Navy a certain vapor bath. (Id. 485.)

June 29.—Remarks on his substitute for Webster's bill for the collection of the public revenue. Votes against two amendments and in favor of one amendment, all of which were rejected. Votes in favor of his own substitute, which was adopted. Votes in favor of the bill as amended. (G. 25 C. 2 s. 1837–1838, VI. 487.)

June 30.—Votes in favor of an amendment to Mr. Wright's bill modifying the deposit act of 1836, which prohibited the reception, by the Government, of the notes of banks that had issued notes of a less denomination than $5. (G. 25 C. 2 s. 1837–1838, VI. 488.)

July 2.—Participates in a debate on a bill making further provision for the discharge of debenture bonds in certain cases. (G. 25 C. 2 s. 1837–1838, VI. 490.)

Votes in favor of the passage of the bill modifying the bill of 1836, which prohibited the reception, by the Government, of the notes of banks that had issued notes of a less denomination than $5. The bill was passed. (Id. 491.)

July 3.—Participates in a discussion on a motion to print 5,000 extra copies of a report of the Naval Committee relative to the discovery of the longitude by the dip of the needle. (G. 25 C. 2 s. 1837-1838, VI. 493.)

July 4.—Remarks on a bill regulating the pay of brevet officers, favoring an amendment including General Jones. (G. 25 C. 2 s. 1837–1838, VI. 496.)

* Presents a report on the northeastern boundary, with resolutions. (S. Doc. 502, 25 C. 2 s.; S. Doc. 287, 25 C. 3 s.; G. 25 C. 2 s. 1837–1838, VI. 496.)

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July 6.—Remarks on a motion for the indefinite postponement of the Harbor Bill. Votes against the motion, which was lost. Votes on various amendments to the bill. Votes in favor of engrossing the bill for a third reading, but the question was decided in the negative. (G. 25 C. 2 s. 1837–1838, VI. 501.)

July 7.—Votes in favor of an amendment to the Indian Appropriation Bill, adding $260,000 for helpless Indians removed west of the Mississippi. The amendment was agreed to. (G. 25 C. 2 s. 1837–1838, VI. 504.)

Votes in favor of a motion to reconsider the vote of the previous day, rejecting the Harbor Bill. Votes in favor of a motion to recommit the bill with certain instructions. The bill being subsequently reported, participates in a debate on it. Votes in favor of engrossing the bill for a third reading. Bill subsequently passed. (Id. 504.)

Participates in a debate on an amendment to the Fortifications Bill, by following the appropriation for Fort Delaware, on Pea Patch Island, with an authorization to the Executive to secure the title by purchase or inquest; votes in favor of the amendment. Participates in a debate on a motion to strike out the above appropriation, and votes against the motion. (Id. 505.)

December 3.—Appears as a Senator from Pennsylvania. (G. 25 C. 3 s. 1838–1839, VII. 1.)

December 5.—Gives notice that on the next day he will bring in a bill for the relief of Thomas Sumpter. (G. 25 C. 3 s. 1838–1839, VII. 9.)

Suggests balloting for chairman of the Committee on Commerce, which is agreed to. (Id. 16.)

December 6.—Announced as chairman of the Committee on Foreign Relations. (G. 25 C. 3 s. 1838–1839, VII. 17; S. Doc. 3, 25 C. 3 s.)

Presents the petition of Joseph C. Cornwall for a pension. (Id. 17.)

Introduces a bill for the relief of Thomas Sumpter. (Id. 18.)

December 10.—Moves reference to the Committee on Foreign Relations of that part of the President's annual message relating to foreign affairs. Motion adopted. (G. 25 C. 3 s. 1838–1839, VII. 20.)

December 12.—Presents the memorial of Commodore David Porter for pension arrearages. (G. 25 C. 3 s. 1838–1839, VII. 25.)

December 17.—Votes against an amendment to the bill to postpone the fourth instalment of the deposit act, postponing the instalment to January 1, 1840. Amendment lost. (G. 25 C. 3 s. 1838–1839, VII. 37.)

December 18.—Presents a petition of Andrew Logan for lands to be used in the culture of silk. (G. 25 C. 3 s. 1838–1839, VII. 41.)

* Presents and comments upon the petition of James P. Espy as to rain-making. (Id. 41–42.) Moves to lay the petition on the table. Motion carried. (Id. 42.)

* Remarks on an amendment to the Appropriations Bill, providing for pensions to the widows of Revolutionary officers. (Id. 44, 46.)

References, in remarks of Mr. Strange, to votes on certain questions. (Id. 46, 47.)

* *December* 19.—Remarks and resolution of inquiry as to the expediency of providing for the construction of one or more steam vessels of war. (G. 25 C. 3 s. 1838–1839, VII. 48.)

December 21.—Votes in favor of the amendment to the Appropriations Bill, providing for pensions to the widows of Revolutionary officers. Amendment rejected. (G. 25 C. 3 s. 1838–1839, VII. 59.)

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SENATE (Continued), 1839.

January 2, 1839.—Presents a memorial for establishing New Castle as a port of entry; also a memorial of J. C. White for correction of error in naturalization papers; a memorial asking that vaccine may be transmitted by mail free of postage; and a memorial for the improvement of the Chesapeake and Delaware Canal. (G. 25 C. 3 s. 1838–1839, VII. 92.)

January 3.—Votes in favor of laying on the table the question of receiving a memorial against the admission of any new State into the Union whose constitution should tolerate slavery, and against the annexation of Texas. (G. 25 C. 3 s. 1838–1839, VII. 95.)

Votes in favor of a motion to lay on the table the question of receiving a petition for the abolition of the sale and transfer of slaves from one State to another. (Id. 95.)

Presents a petition of Cadwallader Evans concerning his invention to prevent the explosion of steam-boilers. (Id. 95.)

Votes in favor of recommitting the bill for the graduation and reduction of the price of the public lands. Votes in favor of instructions to amend the bill so as to limit the sales, at the reduced prices, to actual settlers. (Id. 95, Appendix, 53.)

January 4.—Presents a memorial for the clearing out of the harbor of Philadelphia at the mouth of the Delaware and Chesapeake Canal and in the Delaware. (G. 25 C. 3 s. 1838–1839, VII. 97.)

* *January* 5.—Remarks on a resolution providing that the front seats of the eastern gallery of the Senate be set apart for reporters. Votes in favor of postponing the resolution indefinitely. (G. 25 C. 3 s. 1838–1839, VII. 101.)

January 7.—Presents a memorial of S. R. Slaymaker for compensation for carrying mail. (G. 25 C. 3 s. 1838–1839, VII. 103.)

January 9.—Votes in favor of laying on the table a motion to print certain resolutions of the Virginia Legislature against the annexation of Texas and on the subject of slavery. (G. 25 C. 3 s. 1838–1839, VII. 110.)

* Remarks on the bill for carrying into effect the convention between the United States and Texas, and marking the boundary between the two countries. (Id. 110.)

* Votes on and offers various amendments to the bill to provide for the graduation and reduction of the price of public lands. (Id. 110.)

January 10.—Presents a petition of Simon Brewster for increase of pension. (G. 25 C. 3 s. 1838–1839, VII. 111–112.)

Remarks in opposition to and votes against various amendments to the public land bill. (Id. 112, 129.)

January 11.—Remarks on the bill for the reduction and graduation of the price of public lands. (G. 25 C. 3 s. 1838–1839, VII. 114.)

Votes against a motion to adjourn. (Id. 114.)

January 14.—Votes against a motion to postpone indefinitely the bill for the reduction and graduation of the price of public lands. (G. 25 C. 3 s. 1838–1839, VII. 121.)

January 15.—Votes against a motion to adjourn. Votes against an amendment that when so much of the public land in any State shall be sold as to leave but 2,000,000 acres, the remainder shall be ceded to the State. Amendment rejected. Votes against a motion to adjourn. Later, votes for such a motion. (G. 25 C. 3 s. 1838–1839, VII. 126.)

January 16.—Presents a petition for improving the navigation of the Ohio River. (G. 25 C. 3 s. 1838–1839, VII. 127.)

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Votes in favor of engrossing for a third reading the bill for the reduction and graduation of the price of public lands; which was ordered. (Id. 127.)

* *January* 17.—Remarks on Clay's amendment to the bill for the graduation and reduction of the price of public lands. Votes in favor of the bill, which was passed. (G. 25 C. 3 s. 1838–1839, VII. 130, Appendix, 60–61.)

January 18.—Votes against laying on the table a motion to reconsider the vote on striking out the enacting clause of the bill for the continuation of the Cumberland Road. Votes against the motion to strike out the enacting clause. Votes in favor of ordering the bill to be engrossed for a third reading. (G. 25 C. 3 s. 1838–1839, VII. 133.)

Remarks on a petition in relation to the circuit and district courts of Arkansas. (Id. 132.)

January 21.—Presents a memorial of Susan Bainbridge for a pension. (G. 25 C. 3 s. 1838–1839, VII. 135.)

January 22.—Votes against Clay's amendment to the bill prohibiting challenges to duels in the District of Columbia. (G. 25 C. 3 s. 1838–1839, VII. 139.)

January 23.—Votes in favor of the passage of the bill to prohibit challenges to duels in the District of Columbia. The bill was passed. (G. 25 C. 3 s. 1838–1839, VII. 141.)

Moves consideration of the bill for the relief of John Campbell White, of Baltimore, which was agreed to; and makes remarks in its favor. (Id. 142.)

January 24.—Votes in favor of engrossing for a third reading the bill to amend the act to authorize Tennessee to issue grants and perfect titles to certain lands. (G. 25 C. 3 s. 1838–1839, VII. 144.)

January 28.—Moves reference to the Committee on Military Affairs of the petition of Britton Evans for compensation for losses by shipwreck. (G. 25 C. 3 s. 1838–1839, VII. 149.)

* *January* 29.—Remarks on a bill to repeal the duty on salt and the fishing bounties. (G. 25 C. 3 s. 1838–1839, VII. 157, Appendix, 75–76.) Votes against a motion to lay the whole subject on the table. (Id. 157.)

January 30.—Presents a memorial of Samuel Raub, Jr., relative to steam-boilers and safety-valves. (G. 25 C. 3 s. 1838–1839, VII. 158.)

Votes against a motion to lay on the table Benton's resolution calling upon the Secretary of the Treasury for a statement of the deficiency which would have resulted had the bill for the distribution of the proceeds of the public lands been enacted. Votes in favor of the resolution, which was adopted. (Id. 158.)

Votes against granting leave to Mr. Benton to introduce a bill repealing the duty on salt. (Id. 159.)

Participates in a debate on a joint resolution directing the manner in which certain laws of the District are to be executed. (Id. 159.)

January 31.—Reports a bill for the relief of Charles S. Walsh. (G. 25 C. 3 s. 1838–1839, VII. 160.)

February 2.—Presents a memorial for an artificial harbor at the mouth of the Chesapeake and Delaware Canal. (G. 25 C. 3 s. 1838–1839, VII. 164.)

February 4.—Presents a petition for a steam revenue-cutter on Lake Erie; also a petition for an artificial harbor at the mouth of the Chesapeake and Delaware Canal; and a petition of Job Whittall, of Philadelphia, for relief. (G. 25 C. 3 s. 1838–1839, VII. 168.)

February 5.—Presents a petition of Mary E. Shaw and the executors of John E. Shaw. (G. 25 C. 3 s. 1838–1839, VII. 172.)

February 6.—Votes against a motion to postpone indefinitely the bill

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providing for an armed occupation of that part of the Territory of Florida which is overrun by Indians. (G. 25 C. 3 s. 1838–1839, VII. 174.)

February 8.—Reports bills for the settlement of the accounts of Edward Roberts and for the relief of Benjamin Hewitt; also, with a recommendation for indefinite postponement, bills for the relief of Cornelius Manning and Benjamin Hodges. (G. 25 C. 3 s. 1838–1839, VII. 179.)

* Remarks on Morris's resolution on the subject of slavery. Votes against laying the motion to consider the resolution on the table. (Id. 179.)

February 9.—Reports a bill for relief of the legal representatives of Bradford, deceased. (G. 25 C. 3 s. 1838–1839, VII. 180.)

Votes against a motion to postpone indefinitely the bill for the armed occupation of that part of Florida overrun by Indians. (Id. 181.)

February 12.—Remarks on the bill to prevent the interference of Federal officers in elections. (G. 25 C. 3 s. 1838–1839, VII. 189.)

* *February* 14.—Speech on the bill to prevent the interference of Federal officers in elections. (G. 25 C. 3 s. 1838–1839, VII. 194, Appendix, 203–210.)

February 16.—Presents a memorial of Edward D. Tippet. (G. 25 C. 3 s. 1838–1839, VII. 199.)

February 18.—Votes against a substitute for the bill more effectually to secure public money in the hands of Government officers and agents and to punish defaulters. Votes against an amendment providing that deposits in any bank shall be at the credit of the United States Treasurer. Votes in favor of engrossing the bill for a third reading. (G. 25 C. 3 s. 1838–1839, VII. 202.)

February 19.—Votes in favor of the passage of the bill for the armed occupation and settlement of Florida. (G. 25 C. 3 s. 1838–1839, VII. 205.)

February 20.—Presents a petition of Reynell Coates for compensation; also a memorial for a new custom-house in Philadelphia. (G. 25 C. 3 s. 1838–1839, VII. 207.)

February 26.—Votes against the postponement of the bill concerning the powers of the Circuit Court of the District of Columbia. Votes against recommitment of the bill. Votes in favor of the passage of the bill. (G. 25 C. 3 s. 1838–1839, VII. 221.)

Remarks on a bill to revive the act enabling claimants to lands in Missouri and Arkansas to try the validity of their claims. (Id. 221.)

* Remarks on the President's message concerning the dispute as to the Maine boundary. (Id. 223, Appendix, 210–212.) Moves reference of the message to the Foreign Relations Committee, which was agreed to. (Id. 223.)

* *February* 28.—Reports resolutions on the dispute as to the Maine boundary. (G. 25 C. 3 s. 1838–1839, VII. 229; S. Doc. 272, 25 C. 3 s.)

Votes against Webster's amendment to the Army Appropriations Bill, appropriating $272,000 for the services of the Massachusetts militia during the last war with Great Britain. (Id. 230.)

March 1.—Participates in a debate on a resolution that a letter from the Postmaster-General be laid before the President, with a request for the Postmaster-General's dismissal. (G. 25 C. 3 s. 1838–1839, VII. 234.)

Votes against Benton's amendment to the Army Appropriations Bill, appropriating $740,000 for the repair and completion of fortifications. (Id. 234.)

* Remarks on the resolutions concerning the dispute as to the Maine boundary. (Id. 308, 309–310, 311, 314–315, 316.) Votes against Webster's motion to change the resolutions so as to define more exactly what Maine's position should be. (Id. 316.)

March 2.—Votes in favor of a motion that the Senate insist on its

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amendment to the Civil and Diplomatic Appropriations Bill, striking out a provision for the distribution of the Documentary History among the members of Congress. (G. 25 C. 3 s. 1838–1839, VII. 238.)

Remarks on a resolution accepting as satisfactory the disclaimer by the Postmaster-General of disrespect to the Senate. (Id. 238.)

Votes against amendments to the bill for the protection of the northern and northwestern frontier, appropriating various sums for Maine, the West, and the Atlantic and Gulf coast. (Id. 238.)

*Remarks on the bill to give the President additional powers to defend the country against invasion. (Id. 238, 239–240.) Votes against a motion to strike out the provision for raising 50,000 volunteers. Votes in favor of engrossing the bill for a third reading. (Id. 240.)

March 3.—Remarks on a bill to authorize the construction of certain improvements in Wisconsin. (G. 25 C. 3 s. 1838–1839, VII. 245.)

Votes in favor of agreeing to the report of the Committee of Conference on amendments to the General Appropriation Bill. (Id. 246.)

Votes in favor of a motion that the Senate adjourn. (Id. 247.)

December 2.—Appears as a Senator from Pennsylvania. (G. 26 C. 1 s. 1839–1840, VIII. 1.)

December 16.—Appointed chairman of the Committee on Foreign Relations and a member of the Committee on Manufactures. (G. 26 C. 1 s. 1839–1840, VIII. 54; S. Doc. 3, 26 C. 1 s.)

December 24.—Motion, and remarks thereon, for printing 3,500 additional copies of the report of the Secretary of the Treasury. Motion agreed to. (G. 26 C. 1 s. 1839–1840, VIII. 78–79.)

December 27.—Presents the petition of Daniel Palmer for increase of pension; also a memorial for increase of salary of the judge of the Western District of Pennsylvania; a memorial for a post route in Lancaster County, Pennsylvania; and the petition of Abraham Coote for increase of pension. (G. 26 C. 1 s. 1839–1840, VIII. 81.)

Gives notice that on the following day he will ask leave to introduce a bill for the relief of Samuel R. Slaymaker. (Id. 81.)

Moves that the part of the President's annual message relating to foreign affairs be referred to the Committee on Foreign Relations, which was agreed to. (Id. 83.)

December 29.—Presents a memorial for reduction of postage rates. (G. 26 C. 1 s. 1839–1840, VIII. 86.)

Introduces a bill for the relief of Samuel R. Slaymaker. (Id. 86.)

SENATE (Continued), 1840.

January 3, 1840.—Votes against a motion to reconsider the reference to the Committee on Public Lands of the bill for ceding public lands to States within which they are situated. (G. 26 C. 1 s. 1839–1840, VIII. 98.)

January 4.—Votes against a motion to postpone the Independent Treasury Bill. (G. 26 C. 1 s. 1839–1840, VIII., Appendix, 108.)

January 6.—Presents a memorial from certain army officers of the line for equalization of pay with the staff; also a memorial of William Strickland and others for permission to import free of duty a publication of a description of the public works of the United States. Moves to refer to the Committee on Pensions the petition of John R. Midwinter and the case of Elizabeth Truxton. (G. 26 C. 1 s. 1839–1840, VIII. 102.)

January 7.—Votes against a motion to lay on the table Benton's resolution relative to the assumption of State debts. (G. 26 C. 1 s. 1839–1840, VIII. 105.)

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January 9.—Presents a memorial of American citizens at Malaga, Kingdom of Spain, for provision of a place of burial. (G. 26 C. 1 s. 1839–1840, VIII. 108.)

* *January* 10.—Remarks on a memorial from the Legislative Council of Iowa for a settlement of the boundary line between Iowa Territory and Missouri. (G. 26 C. 1 s. 1839–1840, VIII. 112.)

January 14.—Moves that the representatives of John Brooks have leave to withdraw their petition and papers. Motion adopted. (G. 26 C. 1 s. 1839–1840, VIII. 120.)

Votes against postponing the bill for the collection and disbursement of the public money. (Id. 120.) Votes in favor of an amendment increasing the salary of the receiver at New York. Votes in favor of an amendment increasing the salaries of the receivers at other ports. Moves an amendment for the increase of the salaries of the receivers at Philadelphia and New Orleans; remarks on the motion. (Id. 120.)

January 15.—Remarks on a resolution calling for correspondence relating to the dispute as to the northeastern boundary. (G. 26 C. 1 s. 1839–1840, VIII. 122.)

Accepts a modification of his amendment to the bill for the collection and disbursement of the public money, as to the amount of increase of the salaries of the receivers at Philadelphia and New Orleans. (Id. 122.)

January 16.—Remarks on the consideration of the resolution calling for correspondence relating to the dispute as to the northeastern boundary. (G. 26 C. 1 s. 1839–1840, VIII. 124.)

Votes in favor of an amendment to the Sub-Treasury Bill, striking out the clauses which permitted the reception and disbursement of Federal paper. (Id., Appendix, 125.)

January 17.—Moves that the Senate take up the consideration of the resolution calling for correspondence relating to the northeastern boundary dispute, which was agreed to. (G. 26 C. 1 s. 1839–1840, VIII. 126.)

* Remarks on the subject of the resolution. (Id. 126–127.)

Participates in the discussion on the Independent Treasury Bill. Votes in favor of engrossing the bill for a third reading. (Id. 127.)

January 20.—Votes in favor of the passage of the bill for the armed occupation and settlement of that part of Florida infested by marauding Indians. (G. 26 C. 1 s. 1839–1840, VIII. 130.)

January 21.—Moves that the Independent Treasury Bill be informally passed over, which was agreed to. (G. 26 C. 1 s. 1839–1840, VIII. 130; Niles' Register, Jan. 28, 1840, LVII. 347.)

* *January* 22.—Speech in reply to Mr. Clay on the Independent Treasury Bill. (G. 26 C. 1 s. 1839–1840, VIII. 133, Appendix, 129–137.)

January 23.—Presents a memorial for a steam revenue-cutter on Delaware Bay. (G. 26 C. 1 s. 1839–1840, VIII. 139.) Remarks on the memorial. (Niles' Register, Feb. 1, 1840, LVII. 363.)

Votes in favor of the passage of the Independent Treasury Bill. (G. 26 C. 1 s. 1839–1840, VIII. 141.)

* *January* 24.—Presents a memorial for a duty on silk. (G. 26 C. 1 s. 1839–1840, VIII. 143.)

February 3.—Presents a number of petitions on various subjects. (G. 26 C. 1 s. 1839–1840, VIII. 158.)

February 5.—Votes against a motion to lay on the table a report of the select committee on the assumption by the Government of State debts. Votes in favor of printing the usual number of copies of the report. (G. 26 C. 1 s. 1839–1840, VIII. 164.)

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February 7.—Presents a memorial for a duty on silk. (G. 26 C. 1 s. 1839–1840, VIII. 171.)

February 10.—Presents a petition for carrying into effect certain treaty stipulations with the Sioux Indians; also memorials for a duty on silk. (G. 26 C. 1 s. 1839–1840, VIII. 176.)

* *February* 11.—Presents a memorial relating to the use of bloodhounds in the Seminole War. Remarks on the subject. (G. 26 C. 1 s. 1839–1840, VIII. 183–184.)

Presents a memorial for a duty on silk. (Id. 184.)

February 13.—Presents memorials for a duty on silk; also a petition of the widow of Samuel Jamison. (G. 26 C. 1 s. 1839–1840, VIII. 187.)

* Remarks on a petition for the abolition of slavery. (Id. 188–189, 197.)

February 14.—Presents memorials against the use of bloodhounds in the Seminole War; also a petition for the repeal of laws conflicting with the Constitution; and a petition for the abolition of the foreign slave trade. (G. 26 C. 1 s. 1839–1840, VIII. 198.)

* Presents a petition for a duty on umbrellas. (Id. 198.)

February 17.—Remarks on Hazard's United States Commercial and Statistical Register. (G. 26 C. 1 s. 1839–1840, VIII. 201.)

Presents memorials relating respectively to a duty on silk, the use of bloodhounds in the Seminole War, and the abolition of slavery. (Id. 201.)

Presents a petition of Hugh Stewart. (Id. 203.)

* Remarks on a resolution on the assumption of State debts. (Id. 205.)

February 18.—Presents a memorial for a duty on silk. (G. 26 C. 1 s. 1839–1840, VIII. 207.)

February 20.—Votes against Clay's motion to postpone indefinitely the subject of the assumption of State debts. (G. 26 C. 1 s. 1839–1840, VIII. 213.) Remarks during the discussion of the subject. (Id., Appendix, 184.)

February 21.—Participates in a discussion on a resolution to amend the joint rules that no claim which had been twice reported in either House, adversely, should again be presented. (G. 26 C. 1 s. 1839–1840, VIII. 218.)

* *February* 24.—Remarks on the question of a bankrupt law. (G. 26 C. 1 s. 1839–1840, VIII. 220.)

Offers a resolution to inquire into the expediency of amending the Constitution so as to prohibit the issue and circulation of paper currency of a low denomination. (Id. 220.)

Votes in favor of concurring in a House amendment to the bill relating to taking the sixth census. (Id. 221.)

February 25.—Presents a memorial for revision of the duty on woollen goods; also petitions as to the sale and transfer of American vessels abroad and for the suppression of the slave trade; and memorials against the use of bloodhounds in the Seminole War. (G. 26 C. 1 s. 1839–1840, VIII. 223.)

* *February* 26.—Remarks on his resolution as to the prohibition of small paper currency. (G. 26 C. 1 s. 1839–1840, VIII. 224–225, Appendix, 218, 219, 220.)

* *February* 27.—His resolution as to prohibition of small paper currency adopted. A committee appointed thereunder, of which he is chairman. (G. 26 C. 1 s. 1839–1840, VIII. 225, Appendix, 221.)

February 28.—Presents memorials for the protective system; also a memorial for a bankrupt law; and memorials against the use of bloodhounds in the Seminole War. (G. 26 C. 1 s. 1839–1840, VIII. 226.)

Participates in a discussion on the subject of allowing drawbacks on foreign coal consumed in steam vessels. (Id. 226.)

March 2.—Presents a memorial of the United States Insurance Company

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and of the Insurance Company of Pennsylvania to be indemnified for property sequestrated by Hayti in 1811; also memorials against the use of bloodhounds in the Seminole War. (G. 26 C. 1 s. 1839–1840, VIII. 228.)

* *March* 3.—Remarks, in reply to Mr. Davis, on the Independent Treasury Bill. (G. 26 C. 1 s. 1839–1840, VIII. 230, Appendix, 244–246.)

March 4.—Votes in favor of concurring in a House amendment to the bill to continue the office of Commissioner of Patents. (G. 26 C. 1 s. 1839–1840, VIII. 235.)

March 6.—Presents a memorial for a duty on silk; also a memorial for a bankrupt law. (G. 26 C. 1 s. 1839–1840, VIII. 243.)

Participates in a debate on the report of the select committee on the resolutions as to the assumption of State debts. Offers an amendment declaring that the debts were contracted in the exercise of the constitutional power of the States, and that there was no ground for doubting the ability or disposition of the States to fulfil their contracts. Votes against various amendments, and in favor of each of the resolutions, which were agreed to. (Id. 244, 245.)

* Remarks, in reply to further remarks of Mr. Davis, on the Independent Treasury Bill. (Id., Appendix, 335–338.)

March 11.—Presents a memorial for the improvement of the navigation of the Alleghany River; also a memorial for a duty on silk; a memorial on banking; and a memorial against the use of bloodhounds in the Seminole War. (G. 26 C. 1 s. 1839–1840, VIII. 259.)

March 16.—Presents a number of memorials. (G. 26 C. 1 s. 1839–1840, VIII. 274.)

March 17.—Presents a memorial for a bankrupt law. (G. 26 C. 1 s. 1839–1840, VIII. 277.)

* Remarks on the controversy with Mr. Davis as to the Independent Treasury Bill. (Id., Appendix, 295–296.)

March 30.—Presents a memorial for a grant of lands to commissioned officers of the last war with Great Britain; also a memorial for a duty on silk; and a memorial for the mitigation of the punishment of William Lyon Mackenzie. (G. 26 C. 1 s. 1839–1840, VIII. 294.)

Participates in a debate on the bill supplementary to the act on the subject of Treasury notes. Votes in favor of the bill, which was passed. (Id. 295, Appendix, 329.)

* *March* 31.—Remarks on a resolution fixing the day of adjournment on the 18th of May. Votes against a motion to lay the resolution on the table. (G. 26 C. 1 s. 1839–1840, VIII. 296–297.)

April 2.—Votes against a substitute for the Cumberland Road Bill. Votes against an amendment to the bill, reducing the appropriation for each State to $75,000. (G. 26 C. 1 s. 1839–1840, VIII. 299, Appendix, 333.)

April 3.—Presents a memorial for a bankrupt law. (G. 26 C. 1 s. 1839–1840, VIII. 301.)

Submits additional documents in relation to the memorial of the Philadelphia Custom-house clerks. (Id. 302.)

Votes against an amendment to the bill for the discontinuance of the office of surveyor-general and the abolition of land offices, abolishing the office of recorder of the General Land Office. (Id. 302.)

Votes in favor of engrossing for a third reading the bill for the continuation of the Cumberland Road in Ohio, Indiana, and Illinois. (Id. 302.)

April 6.—Presents a memorial for a bankrupt law. (G. 26 C. 1 s. 1839–1840, VIII. 306.)

April 9.—Remarks on resolutions of the Maine Legislature asking Con-

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gress to pay for French spoliations prior to September, 1800. (Niles' Register, April 18, 1840, LVIII. 106; G. 26 C. 1 s. 1839–1840, VIII. 310.)

April 13.—Presents a petition of the heirs of James Van Osten. (G. 26 C. 1 s. 1839–1840, VIII. 320.)

* Presents a report on resolutions on the subject of the brig *Enterprise*. (Id. 320; S. Doc. 378, 26 C. 1 s.)

Votes against an amendment to the bill enabling claimants to land in Missouri, Arkansas, Louisiana, and Mississippi to try the validity of their claims. Votes in favor of engrossing the bill for a third reading. (Id. 321.)

* *April* 14.—Report and remarks on the northeastern boundary dispute. (G. 26 C. 1 s. 1839–1840, VIII. 322, 323; S. Doc. 382, 26 C. 1 s.)

April 15.—Votes against a motion laying on the table a resolution declaring that the seizure and detention of the negroes on board the brig *Enterprise* in Bermuda violated the laws of nations. Votes in favor of the resolutions, which were adopted. (G. 26 C. 1 s. 1839–1840, VIII. 329.)

April 16.—Votes against an amendment to the bill relating to pre-emption rights on public lands. Votes in favor of engrossing the bill for a third reading, which was ordered. (G. 26 C. 1 s. 1839–1840, VIII. 331.)

* *April* 17.—Remarks on the bill supplementary to the act establishing branch mints. Votes against a motion, which was lost, to recommit the bill. (G. 26 C. 1 s. 1839–1840, VIII. 335, Appendix, 317, 318.)

April 21.—Asks the discharge of the Committee on Foreign Relations from further consideration of a memorial of J. M. Clayton and others on a canal across the Isthmus of Darien, which was agreed to. (G. 26 C. 1 s. 1839–1840, VIII. 341.)

Opposes a bill granting Michigan land for the construction of a canal around the Falls of Ste. Marie. (Id. 342.)

Votes in favor of the passage of the bill supplementary to the act to grant pre-emption rights to settlers on public lands. The bill was passed. (Id. 342, Appendix, 384.)

April 23.—Votes in favor of striking out two sections of the bill for the reduction and graduation of the price of public lands.

* *April* 24.—Presents a memorial for a duty on silk. (G. 26 C. 1 s. 1839–1840, VIII. 354.)

Votes in favor of the passage of the bill for the reduction and graduation of the price of public lands. (Id. 355.)

April 28.—Participates in a debate on a bill respecting the judicial system of the United States. (G. 26 C. 1 s. 1839–1840, VIII. 363.)

Participates in further discussion of the bill. (Id. 363.)

April 29.—Votes against engrossing for a third reading the bill granting to Michigan land for constructing a canal around the Falls of Ste. Marie. So ordered. (G. 26 C. 1 s. 1839–1840, VIII. 364.)

* Remarks on a bill granting land to the Territory of Florida for the establishment of Dade Institute. Moves that the subject be laid on the table, which was agreed to. (Id. 364, Appendix, 423.)

Remarks on the bill to amend the act amending the judicial system of the United States. (Id. 364.)

May 4.—Votes in favor of the passage of the Civil and Diplomatic Appropriations Bill. (G. 26 C. 1 s. 1839–1840, VIII. 377.)

* Remarks on a resolution for examining the claim of Clarke and Force for compiling and publishing two volumes of the Documentary History of the Revolution. (Id. 378.)

* *May* 7.—Remarks on a report of the Secretary of the Treasury on public expenditures. (G. 26 C. 1 s. 1839–1840, VIII. 382, Appendix, 441–442.)

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Votes in favor of a motion to print 30,000 copies of the report. (Id. 382.)

May 11.—Participates in a discussion on the bill for the relief of Hannah Leighton. (G. 26 C. 1 s. 1839–1840, VIII. 387.)

May 14.—Presents a memorial relating to the conflict of decisions on the revenue law as to imported iron. (G. 26 C. 1 s. 1839–1840, VIII. 393.)

May 15.—Presents a number of memorials on various subjects. (G. 26 C. 1 s. 1839–1840, VIII. 398.)

Votes in favor of the passage of the bill to create an additional land office in Michigan. (Id. 398.)

May 27.—Votes in favor of the passage of a bill for the benefit of the Howard Institute, of Washington. (G. 26 C. 1 s. 1839–1840, VIII. 423.)

Presents a memorial for the suppression of the African slave trade under the American flag; also a memorial for the repair of wharfs and piers at Port Penn. (Id. 421.)

May 28.—Opposes the bill authorizing the States to tax any lands within their limits sold by the United States. (G. 26 C. 1 s. 1839–1840, VIII. 426.)

Votes in favor of an amendment to the General Bankrupt Law, removing all restrictions and making it general in its application. Remarks on the provision relating to preferences in the distribution of assets. (Id. 426.)

May 29.—Reports a bill to carry into effect a convention between the United States and Mexico. (G. 26 C. 1 s. 1839–1840, VIII. 428.)

* Reports and speaks upon a resolution for the sale of certain presents from the Emperor of Morocco and Imaum of Muscat to the President. (Id. 428; Niles' Register, June 6, 1840, LVIII. 218.)

June 1.—Presents a memorial for a duty on foreign silk. (G. 26 C. 1 s 1839–1840, VIII. 430.)

Moves that the Senate take up and consider the bill to carry into effect the treaty between the United States and Mexico. (Id. 431.)

June 2.—Votes against an amendment to the General Bankrupt Bill, to strike out all relating to banks and corporations. (G. 26 C. 1 s. 1839–1840, VIII. 433.)

* *June* 3.—Reports adversely the bill to refund office rent advanced by A. H. Everett while minister to Spain. (S. Doc. 511, 26 C. 1 s.; G. 26 C. 1 s. 1839–1840, VIII. 439.)

June 5.—Reports a bill for relief of Auguste Davezac, William P. Jones, and Nathaniel Niles. (G. 26 C. 1 s. 1839–1840, VIII. 444.)

Votes in favor of engrossing for a third reading a bill for the relief of the representatives of Philip Barbour. (Id. 444.)

Votes against an amendment to the General Bankrupt Bill, providing for compulsory bankruptcy. (Id. 444.)

* Remarks on a motion to postpone the subject indefinitely. (Id. 445, 446.)

Votes against the motion, which was lost. (Id. 446.)

* *June* 11.—Remarks on a bill giving officers of the Marine Corps in command of the different stations double rations. (G. 26 C. 1 s. 1839–1840, VIII. 457–458.) Votes against a motion to recommit the bill to the Committee on Naval Affairs, with instructions. Votes in favor of ordering the bill to be engrossed for a third reading. (Id. 458.)

June 15.—Votes on various amendments to the bill to continue the corporate existence of banks in the District of Columbia. (G. 26 C. 1 s. 1839–1840, VIII. 465, 466.)

Offers an amendment for extension of the charters till July, 1842, "for the purpose of winding up their affairs." (Id. 466.)

* Remarks on the amendment, which was lost. (Id. 466–467.)

Votes in favor of engrossing the bill for a third reading. (Id. 467.)

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Votes in favor of a resolution discharging the Committee on the Militia from further consideration of the report of the Secretary of War on the militia. (Id. 467.)

June 16.—Votes aye on the passage of the bill to continue the corporate existence of banks in the District of Columbia. (G. 26 C. 1 s. 1839–1840, VIII. 468.) Votes against an amendment to the title of the bill. Amendment was rejected. (Id. 468.)

Votes in favor of an amendment to print the report of the Secretary of War on the militia, adding the laws of 1792 and 1803 on the same subject. (Id. 468.)

June 22.—Participates in a debate on the bill giving the assent of Congress to acts of Virginia incorporating the Falmouth and Alexandria Railroad Company. Votes in favor of a motion to strike out an appropriation of $300,000. Motion lost. (G. 26 C. 1 s. 1839–1840, VIII. 476.)

June 23.—Participates in a debate on the joint resolution for the relief of Langtree and O'Sullivan. (G. 26 C. 1 s. 1839–1840, VIII. 478.)

Votes on various amendments to the General Bankrupt Bill. Votes in favor of laying the bill on the table, for the purpose of having it printed, which was agreed to. (Id. 478–479.)

June 24.—Participates in a debate on a bill to discharge liens and incumbrances on real estate owned by the United States. (G. 26 C. 1 s. 1839–1840, VIII. 482.)

Moves the consideration of a bill for the relief of Auguste Davezac, William D. Jones, and Nathaniel Niles, which was agreed to. (Id. 482.)

Votes against a motion to reconsider the vote by which March 4th was fixed as the day when the General Bankrupt Bill should go into operation. Votes against fixing March 4th as the day when the bill should go into operation. Votes in favor of a motion to fix February 1st next as the day, which was agreed to. Votes against a motion to strike out the provision limiting the operation of the bill to two years. Motion lost. Votes against ordering the bill to be engrossed for a third reading. (Id. 482, 483.)

June 25.—Moves the discharge of the Committee on Foreign Relations from the consideration of a request for the recall of Consul Trist from Havana, and its reference to the Committee on Commerce, which was agreed to. (G. 26 C. 1 s. 1839–1840, VIII. 484.)

**June* 26.—Remarks in favor of printing extra copies of the report of the Secretary of the Treasury. (G. 26 C. 1 s. 1839–1840, VIII. 487, 488.)

June 29.—Remarks on the bill to regulate the pay of the officers of the line and staff of the Army. (G. 26 C. 1 s. 1839–1840, VIII. 491.)

Moves reference of President Van Buren's message on the northeastern boundary dispute to the Committee on Foreign Relations, which was agreed to. (Id. 492.)

Votes in favor of a motion to postpone indefinitely the bill to aid the Mount Carmel and New Albany Railroad Company in the construction of a certain railroad. Motion agreed to. (Id. 492.)

July 1.—Remarks on a resolution calling for a copy of the British report of the survey and map relating to the northeastern boundary. (G. 26 C. 1 s. 1839–1840, VIII. 496.)

Remarks on a resolution fixing the day for the adjournment of Congress. (Id. 496.)

**July* 3.—Remarks on a resolution calling for a copy of the British report of the survey and map relating to the northeastern boundary. (G. 26 C. 1 s. 1839–1840, VIII. 503.)

July 6.—Votes on various amendments to the bill relating to the collec-

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tion of duties on imports. Votes in favor of an amendment providing that the bill should cease to have effect after June 30, 1842. (G. 26 C. 1 s. 1839–1840, VIII. 510.)

July 7.—Participates in a discussion on a bill to amend the act regulating the pay of the Navy. (G. 26 C. 1 s. 1839–1840, VIII. 512.)

Votes against an amendment to the bill relating to the collection of duties on imports. Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 512.)

July 8.—Presents a petition for the abolition of slavery. (G. 26 C. 1 s. 1839–1840, VIII. 514.)

July 9.—Votes on several amendments to a bill to publish the laws, treaties, and other documents of the United States, under the Attorney-General's direction. (G. 26 C. 1 s. 1839–1840, VIII. 515.)

Participates in a debate on a motion to reduce the compensation and expenses of the Attorney-General from $3,000 to $2,000. Votes against the motion, which was rejected. Votes against engrossing the bill for a third reading. Bill rejected. (Id. 516.)

July 10.—Votes against a motion to postpone indefinitely the bill to establish a uniform rule of computing the mileage of members of Congress. Votes and speaks on various amendments to the bill. (G. 26 C. 1 s. 1839–1840, VIII. 518, 519.)

Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 519.)

July 11.—Votes in favor of an amendment to the bill making appropriations for the naval service for 1840, adding an appropriation of $95,000 for a dry-dock at Pensacola. Amendment adopted. (G. 26 C. 1 s. 1839–1840, VIII. 522.)

* Remarks on a motion to strike out an appropriation for dry-docks at New York and Pensacola. Votes in favor of the motion, which was agreed to. (Id. 522.)

Votes in favor of the passage of the bill to establish a uniform rule of computing the mileage of members of Congress. Bill passed. (Id. 522.)

July 13.—Remarks on a bill granting pensions to Cherokee warriors engaged in the War of 1812. (G. 26 C. 1 s. 1839–1840, VIII. 524.)

July 15.—Votes in favor of engrossing for a third reading the bill to extend the corporate existence of banks in the District of Columbia. Bill rejected. Remarks on a motion to reconsider the vote; moves postponement of the subject till next day, which was agreed to. (G. 26 C. 1 s. 1839–1840, VIII. 527.)

July 16.—Moves the discharge of the Committee on Foreign Relations from subjects referred to it and not acted upon, which was agreed to. (G. 26 C. 1 s. 1839–1840, VIII. 529.)

Votes in favor of a motion to postpone till the next session a resolution to print the report on the mineral region of Iowa and Wisconsin. Votes against an amendment that the work should be done under the direction of the Secretary of the Senate. Votes in favor of laying the resolution on the table. (Id. 530.)

* Remarks on the bill to continue the corporate existence of banks in the District of Columbia. Votes in favor of the motion to reconsider the vote rejecting the bill. Motion lost. (Id. 530, Appendix, 735–738.)

July 17.—Votes against engrossing for a third reading a resolution providing for the exchange of extra books in the Library of Congress, and of public documents, for those of foreign countries. The question was decided in the affirmative. (G. 26 C. 1 s. 1839–1840, VIII. 534.)

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Votes in favor of a motion to take up a bill to alter and continue the charter of the city of Washington. Votes against a motion to lay the bill on the table. Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 534.)

Takes part in a debate on an appropriation of $12,000 for the purchase of an island in the Mississippi, near Fort Snelling. (Id. 535.)

*Remarks on an amendment to the Army Appropriations Bill authorizing the President, in case the means of the Treasury should be insufficient to meet appropriations, to postpone certain expenditures. (Id. 535, 536.)

Moves an appropriation of $6,000 for an outfit for the minister at Constantinople; remarks on the amendment, which was agreed to. Votes in favor of an amendment appropriating $6,000 for public works on the Hudson River. Participates in the debate on an amendment appropriating $12,000 for the purchase of an island at the confluence of the St. Peter's and Mississippi rivers. (Id. 536.)

July 18.—Votes in favor of a substitute for the resolution extending the charter of the banks of the District of Columbia for one year. Substitute rejected. (G. 26 C. 1 s. 1839–1840, VIII. 539.)

July 20.—Votes for a motion to recommit the joint resolution to continue the existence of the banks in the District of Columbia till March 4, 1841, with instructions to substitute the bill lately rejected by the Senate. Motion lost. Votes in favor of a motion to recommit the resolution, with instructions to make stockholders subject to the banks' liabilities to the amount of their stock. Motion lost. Remarks on the resolution. Proposes an amendment declaring the banks not relieved from the provisions of the act of July 3, 1840; amendment objected to, and not considered. Votes against the resolution, which was passed. Offers a substitute for the title, declaring the resolution to be supplementary to the act of July 3, 1840; substitute adopted. (G. 26 C. 1 s. 1839–1840, VIII. 542.)

Remarks on a motion to recede from the amendments to the Army Appropriations Bill. Votes against the motion. (Id. 543.)

December 7.—Appears as a Senator from Pennsylvania. (G. 26 C. 2 s. 1840–1841, IX. 1.)

December 9.—Appears in his place as a Senator from Pennsylvania, a quorum of the Senate being present. (G. 26 C. 2 s. 1840–1841, IX. 1.)

December 10.—Moves the election of a chairman of the Committee on Commerce, which was agreed to. (G. 26 C. 2 s. 1840–1841, IX. 1.)

On announcement of the standing committees, appears as chairman of the Committee on Foreign Relations, and as a member of the Committee on Manufactures. (Id. 12; S. Doc. 3, 26 C. 2 s.)

December 14.—Moves reference to the Committee on Foreign Relations of that part of the President's message relating to foreign affairs, which was agreed to. (G. 26 C. 2 s. 1840–1841, IX. 14.)

December 15.—Presents a memorial of William W. Chew, secretary of legation at St. Petersburg. (G. 26 C. 2 s. 1840–1841, IX. 18.)

December 21.—Moves reference to the Committee on Foreign Relations of the resolution calling for information relative to the northeastern boundary, which was agreed to. (G. 26 C. 2 s. 1840–1841, IX. 40.)

December 22.—Presents a letter praying for extension of time for the payment of debts of the Agricultural Bank of Natchez to the government; also a copy of the proceedings of a meeting in Philadelphia concerning claims for French spoliations prior to 1800. (G. 26 C. 2 s. 1840–1841, IX. 44.)

December 23.—Remarks on a bill establishing the pay of pursers in the Navy. (G. 26 C. 2 s. 1840–1841, IX. 49.)

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* Remarks on a bill granting a pension to Hannah Leighton. Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 51.)

December 24.—Votes against a motion to lay on the table Benton's motion for leave to bring in a bill to put a tax on paper currency, and to print the bill. (G. 26 C. 2 s. 1840–1841, IX. 58.)

* *December* 28.—Remarks as to the committee to which should be referred a memorial on commercial reciprocity between the United States and certain British colonies. Moves reference to Committee on Commerce, which was agreed to. (G. 26 C. 2 s. 1840–1841, IX. 59, 60.)

December 30.—Presents a petition of John Landis for the purchase of certain pictures. (G. 26 C. 2 s. 1840–1841, IX. 65.)

December 31.—Presents a petition of Stephen Simpson. (G. 26 C. 2 s. 1840–1841, IX. 71.)

SENATE (Continued), 1841.

* *January* 4, 1841.—Votes in favor of an amendment to the bill to establish a permanent prospective pre-emption system for settlers on public lands, by confining the benefits of the bill to white settlers; amendment adopted. Remarks on an amendment excepting aliens from the provisions of the bill. Votes against the amendment, which was rejected. (G. 26 C. 2 s. 1840–1841, IX. 78, Appendix, 22, 23–24.)

January 5.—Presents memorials for the abolition of the spirit portion of the Navy ration. (G. 26 C. 2 s. 1840–1841, IX. 81.)

* Remarks on an amendment to the Pre-emption Bill. (Id., Appendix, 23–24, 24–25, 26, 27.)

January 6.—Presents memorials for the abolition of the spirit portion of the Navy ration. (G. 26 C. 2 s. 1840–1841, IX. 85.)

Votes in favor of an amendment to the Pre-emption Bill, excepting therefrom any person who, owning lands in any State or Territory, should quit or abandon his residence on his own land to reside on public land in the same State or Territory. Amendment adopted. (Id., Appendix, 28.)

January 7.—Remarks on a bill for the relief of the legal representatives of John J. Bulow, Jr. (G. 26 C. 2 s. 1840–1841, IX. 87, 88.)

* *January* 8.—Remarks on a resolution to inquire into the expediency of obtaining copies of certain British Parliamentary debates and of British land titles concerning the northeastern boundary. (G. 26 C. 2 s. 1840–1841, IX. 91–92.)

January 11.—Presents petitions. (G. 26 C. 2 s. 1840–1841, IX. 94.)

January 16.—Presents a memorial for a General Bankrupt Law. (G. 26 C. 2 s. 1840–1841, IX. 104.)

* *January* 18.—Remarks on the report of the Secretary of the Navy in relation to the use of American water-rotted hemp in the Navy. (G. 26 C. 2 s. 1840–1841, IX. 107.)

January 19.—Votes against an amendment to a motion to recommit the bill for pre-emptions to settlers on public lands. Votes against a motion to recommit the bill with instructions. Votes against a substitute bill. (G. 26 C. 2 s. 1840–1841, IX. 112.)

January 20.—Votes in favor of the passage of a bill making temporary provision for lunatics in the District of Columbia. (G. 26 C. 2 s. 1840–1841, IX. 114.)

* Speaks and votes against an amendment to the bill for pre-emptions to settlers on public lands. Votes against a motion to adjourn. Speaks and votes against an amendment limiting the bill's operation to two years.

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Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 114, Appendix, 196, 197, 199–200, 201.)

January 21.—Votes against a motion to postpone the bill for pre-emptions to settlers on public lands. (G. 26 C. 2 s. 1840–1841, IX. 116.)

* *January* 22.—Speech defending Van Buren's administration against the charge of extravagance in expenditures. (G. 26 C. 2 s. 1840–1841, IX. 117, Appendix, 106–111.)

January 25.—Presents a petition for reimbursement of duty paid on hosiery. (G. 26 C. 2 s. 1840–1841, IX. 124.)

January 26.—Presents a memorial of D. W. Prescott for refund of duty on goods destroyed by fire. (G. 26 C. 2 s. 1840–1841, IX. 126.)

January 29.—Remarks during the debate on the bill to establish a permanent prospective pre-emption system for settlers on public lands. (G. 26 C. 2 s. 1840–1841, IX. 132.)

February 1.—Presents a memorial for the completion of the construction of Erie Harbor. (G. 26 C. 2 s. 1840–1841, IX. 135.)

Presents a memorial for a duty on silk. (Id. 135.)

Moves to lay on the table a motion to discharge the Committee on Commerce from further consideration of the memorial for the erection of a new custom-house at Philadelphia. Motion to table agreed to. (Id. 135.)

Votes against an amendment to the Pre-emption Bill. (Id., Appendix, 104.)

February 2.—Votes against a substitute for the Pre-emption Bill, to cede the lands to the States within which they may lie. The substitute was rejected. Votes in favor of Crittenden's motion to recommit the bill, with instruction to amend it so as to distribute the proceeds of the sales of public lands to the several States. The motion was lost. Votes in favor of the passage of the bill, which was passed. (G. 26 C. 2 s. 1840–1841, IX. 138.)

Remarks on postponing the consideration of the General Bankrupt Bill. (Id. 138.)

February 3.—Presents a memorial for a duty on saddlery and harness. (G. 26 C. 2 s. 1840–1841, IX. 139.)

Participates in a debate on a motion to print 2,500 copies of the report of Mr. Plitt on post office administration in Europe. (Id. 140.)

February 4.—Remarks on the General Bankrupt Bill. Votes in favor of Benton's amendment, requiring the assent of a majority of creditors to granting the discharge of a bankrupt. Amendment rejected. (G. 26 C. 2 s. 1840–1841, IX. 144.)

February 5.—Takes a part in the discussion on a resolution for the transfer to Maryland of Chesapeake and Ohio Canal stock held by the United States. (G. 26 C. 2 s. 1840–1841, IX. 147.)

February 8.—Presents a memorial against the passage of the General Bankrupt Bill. (G. 26 C. 2 s. 1840–1841, IX. 152.)

Votes against a motion to take up the bill to continue the corporate existence of banks in the District of Columbia. Motion lost. (Id. 153.)

Votes in favor of a motion to recommit the Bankrupt Bill. Remarks on the bill. (Id. 153.)

February 11.—Presents a memorial for a mail route in Lancaster County, Pennsylvania. (G. 26 C. 2 s. 1840–1841. IX. 160.)

February 12.—Moves reference of the case of Samuel R. Slaymaker to the Committee on the Post Office and Post Roads, which was agreed to. (G. 26 C. 2 s. 1840–1841, IX. 165.)

Votes in favor of engrossing for a third reading the bill to authorize the

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issue of Treasury notes. So ordered. Votes in favor of the bill, which was passed. (Id. 165.)

February 15.—Presents a memorial for strengthening the defences. (G. 26 C. 2 s. 1840–1841, IX. 175.)

Takes part in the debate on the bill for payment of Revolutionary and other pensioners. (Id. 176.)

February 17.—Moves to take up in Committee of the Whole the bill for the relief of Samuel R. Slaymaker, which was agreed to. Remarks on the bill. (G. 26 C. 2 s. 1840–1841, IX. 181.)

February 19.—Presents memorials for a duty on silk. (G. 26 C. 2 s. 1840–1841, IX. 188.)

* Remarks on a resolution to elect a public printer. (Id. 194–195.) Votes against a motion to postpone, which was lost. (Id. 195.)

Votes in favor of Clay's motion to take up his resolution for the repeal of the Independent Treasury Bill. Motion agreed to. (Id. 195.)

February 20.—Votes in favor of a motion to lay on the table the resolution for the election of a public printer. Motion prevailed. (G. 26 C. 2 s. 1840–1841, IX. 198.)

Remarks on a motion to take up bills connected with the Territories. (Id. 198.)

February 22.—Participates in the debate on a request of Crittenden for leave to introduce a bill to prevent interference of Federal officers in elections. Votes against granting leave. Question decided in the negative. (G. 26 C. 2 s. 1840–1841, IX. 199.)

February 23.—Moves reference of documents in the case of C. F. Sibbald, which was agreed to. (G. 26 C. 2 s. 1840–1841, IX. 202.)

Introduces a bill to amend the judiciary acts. (Id. 202.)

February 27.—Reports a bill for relief of the administrator of William A. Slacum. (G. 25 C. 2 s. 1840–1841, IX. 212.)

Remarks on the report of the Judiciary Committee on his bill to amend the judiciary acts. (Id. 213.)

* Remarks on the bill to reorganize the judicial circuits of the United States. (Id. 215.) Votes in favor of an amendment fixing the circuits and terms. (Id. 216.)

March 1.—Remarks on his motion to discharge the Committee on Foreign Relations from consideration of the resolution calling for correspondence relating to the northeastern boundary. (G. 26 C. 2 s. 1840–1841, IX. 217–218.)

* Remarks on an amendment to the Civil and Diplomatic Appropriations Bill. (Id. 220.)

Remarks on Mr. Webster's statement, when tendering his resignation, as to his views on slavery. (Id., Appendix, 332.)

March 2.—Votes in favor of an amendment to the Civil and Diplomatic Appropriations Bill, fixing the remuneration of certain officers. (G. 26 C. 2 s. 1840–1841, IX. 222, 223.)

Remarks on an amendment to the Naval Appropriation Bill for lifeboats at Rockaway, N. Y., and Long Branch, N. J. (Id. 223.)

March 3.—Presents a memorial for the incorporation of certain provisions in the General Bankrupt Bill. (G. 26 C. 2 s. 1840–1841, IX. 226.)

March 5.—Votes against a motion to take up for consideration the resolution for the dismissal of Blair and Rives as public printers. Motion agreed to. (G. 26 C. 2 s. 1840–1841, IX. 238.)

* *March* 8.—Remarks on the resolution for the dismissal of Blair and Rives as public printers. (G. 26 C. 2 s. 1840–1841, IX. 238–240, 241–242.)

* Remarks on a resolution to proceed to the election of a sergeant-at-

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arms. (Id., Appendix, 317.) Votes in favor of a motion to postpone, which was lost. Votes against the resolution, which was adopted. (Id., Appendix, 319.)

March 9.—Votes in favor of Benton's amendment to the resolution for the dismissal of Blair and Rives as public printers, declaring that it was not competent for the Senate to annul their election under the joint resolution of the previous session. Amendment rejected. (G. 26 C. 2 s. 1840–1841, IX. 246.)

March 11.—Votes against the resolution to dismiss Blair and Rives as public printers. Resolution adopted. (G. 26 C. 2 s. 1840–1841, IX. 256.)

June 1.—Appears as a Senator from Pennsylvania. (G. 27 C. 1 s. 1841, X. 4.)

Votes against an amendment to a joint resolution for a committee of the two Houses to wait on the President and inform him of the presence of a quorum, by substituting "Vice-President" instead of "President." Amendment rejected. (Id. 5.)

* Remarks on a motion for printing the President's message. (Id. 8.)

June 2.—Receives 14 out of 43 votes on a ballot for chairman of the Committee on Foreign Relations, Mr. Rives receiving 28; receives 1 out of 45 votes for chairman of the Committee on Finance, Mr. Clay, of Kentucky, receiving 23; receives 1 vote for chairman of the Committee on Manufactures, Mr. Evans receiving 25 out of 34 cast. (G. 27 C. 1 s. 1841, X. 11.)

June 3.—On the list of standing committees of the Senate, appears as a member of the Committee on Foreign Relations and of the Committee on Manufactures. (G. 27 C. 1 s. 1841, X. 12; S. Doc. 11, 27 C. 1 s.)

Remarks on a motion to refer to the Committee on Foreign Relations the part of the President's message relating to foreign affairs. (Id. 14.)

Votes in favor of an amendment to a resolution to inquire into the expediency of repealing the act for the collection and disbursement of the public revenues. (Id. 14.)

* *June* 7.—Remarks on a resolution calling upon the Secretary of the Treasury to present a plan for a National Bank or fiscal agent. (G. 27 C. 1 s. 1841, X. 23.)

June 8.—Presents a memorial of E. Littell, presenting a plan for a fiscal agent for the Government. (G. 27 C. 1 s. 1841, X. 29.)

Votes on various amendments to the bill for the repeal of the Independent Treasury Act. (Id. 32, 33, 34.) Votes in favor of engrossing the bill for a third reading, which was ordered. (Id. 34.)

* *June* 9.—Presents a memorial for the abolition of slavery in the District of Columbia and the Territories. Remarks on the question of its reception. (G. 27 C. 1 s. 1841, X. 35.)

Remarks on a motion to refer to the Committee on Foreign Relations the part of the President's message relating to foreign affairs. (Id. 36.)

Votes in favor of a motion to adjourn, made during the discussion of the bill to repeal the Independent Treasury Act. Motion lost. (Id., Appendix, 30.)

June 10.—Presents a memorial for a duty on silk. (G. 27 C. 1 s. 1841, X. 38.)

* Remarks on a motion to refer to the Committee on Foreign Relations the part of the President's message relating to the McLeod case. (Id. 39, Appendix, 14–18.)

June 11.—Presents a memorial for fortifying the Delaware River. (G. 27 C. 1 s. 1841, X. 42.)

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June 12.—Asks and obtains leave to withdraw the petition of Margaret Shaw. (G. 27 C. 1 s. 1841, X. 44.)

* Remarks on a resolution as to unfinished business. (Id. 45.) Votes in favor of a motion to lay the resolution on the table. Motion lost. (Id. 47.) Remark to Mr. Clay. (Id. 48.)

June 14.—Votes against a motion to lay on the table a resolution calling for information concerning the disbursement of sums of money for the emigration and subsistence of the Indians. Motion carried. (G. 27 C. 1 s. 1841, X. 50.)

Remarks on the motion to refer to the Committee on Foreign Relations the part of the President's message relating to the McLeod case. (Id. 51.)

* *June* 15.—Speech on the motion to refer to the Committee on Foreign Relations the part of the President's message relating to the McLeod case. (G. 27 C. 1 s. 1841, X. 52, Appendix, 65–69.)

June 16.—Moves reference of the memorial for the defence of the Delaware, which was agreed to. (G. 27 C. 1 s. 1841, X. 56.)

* *June* 17.—Submits a resolution on removals from office. (G. 27 C. 1 s. 1841, X. 63–64; S. Doc. 25, 27 C. 1 s.)

June 18.—Votes in favor of a motion to lay on the table a communication from the Governor of Maryland on the subject of the Chesapeake and Ohio Canal. (G. 27 C. 1 s. 1841, X. 70.)

Moves that the Senate adjourn till the Monday following; remarks; motion prevails. (Id. 70.)

* *June* 21.—Remarks on a motion to print the report of the Secretary of the Treasury on the state of the finances. (G. 27 C. 1 s. 1841, X. 83.)

June 22.—Votes against Clay's motion to lay on the table a motion to print the proceedings of a meeting in Cincinnati remonstrating against the creation of a National Bank. (G. 27 C. 1 s. 1841, X. 86.)

Proposes to modify Clay's resolution for changing the hour of meeting of the Senate to 10 o'clock, by fixing the time at 11 o'clock; which was negatived. (Id. 86.)

Remarks on his resolution relating to removals from office. (Id. 83.)

Votes in favor of Benton's amendment to the bill to extend the charters of the banks in the District of Columbia, by prohibiting the banks from issuing paper currency of a denomination less than $20. Amendment adopted. (Id. 87.)

June 23.—Remarks on his resolution relating to removals from office. (G. 27 C. 1 s. 1841, X. 94.)

* Remarks on a motion to recommit the bill to extend the charters of the banks of the District of Columbia. Votes in favor of the motion, which prevailed. (Id. 97.)

* *June* 24.—Remarks on his resolution relating to removals from office. (G. 27 C. 1 s. 1841, X. 101–102.)

Remarks on a motion to postpone till the following day the bill to incorporate the subscribers to the Fiscal Bank of the United States. Votes in favor of the motion, which prevailed. (Id. 104.)

Votes against a motion to recommit a bill appropriating $25,000 for the relief of the widow of General William Henry Harrison. (Id. 110.)

June 25.—Votes aye on the passage of the bill appropriating $25,000 for the relief of the widow of General William Henry Harrison. (G. 27 C. 1 s. 1841, X. 121.)

Remarks on the bill to incorporate the subscribers to the Fiscal Bank of the United States. (Id. 121.)

June 29.—Opposes and votes against various amendments to the bill to

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incorporate the subscribers of the Fiscal Bank of the United States. (G. 27 C. 1 s. 1841, X. 124–125.)

* *June* 30.—Remarks on a petition for a National Bank. (G. 27 C. 1 s. 1841, X. 129.)

Votes on various amendments to the Fiscal Bank Bill. (Id. 129–130.)

July 3.—Presents a petition for an appropriation for a light-house at the Delaware breakwater. (G. 27 C. 1 s. 1841, X. 144.)

July 6.—Votes against amendments to the Fiscal Bank Bill. Moves adjournment, which was agreed to. (G. 27 C. 1 s. 1841, X. 152.)

July 7.—Presents a memorial for a Bankrupt Law. (G. 27 C. 1 s. 1841, X. 157.)

* Speech on the bill to incorporate the subscribers of the Fiscal Bank of the United States. (Id. 157–158, Appendix, 161-169.) Votes in favor of his motion to strike out from the first section the words "District of Columbia." Motion rejected. (Id. 159.) Remarks on a motion to strike out "District of Columbia" and insert "New Orleans." Votes in favor of the motion. (Id. 159.)

July 8.—Votes in favor of various amendments to the Fiscal Bank Bill. (G. 27 C. 1 s. 1841, X. 163–164, Appendix, 122, 144.)

July 9.—Votes in favor of various amendments to the Fiscal Bank Bill. (G. 27 C. 1 s. 1841, X. 172, 173.)

July 10.—Votes in favor of an amendment to the Fiscal Bank Bill. (G. 27 C. 1 s. 1841, X. 178.)

* *July* 12.—Remarks on the bill to incorporate the subscribers of the Fiscal Bank of the United States. (G. 27 C. 1 s. 1841, X. 186–187.) Votes in favor of various amendments. (Id. 187.)

* *July* 13.—Remarks on an amendment to the Fiscal Bank Bill. (G. 27 C. 1 s. 1841, X. 192.) Votes in favor of the amendment. (Id. 193.)

* *July* 14.—Remarks on an amendment to the Fiscal Bank Bill, providing that nothing in the act should be considered an admission that Congress has not the power to alter, modify, or repeal the charter. (G. 27 C. 1 s. 1841, X. 197.) Votes on various amendments. (Id. 198, 199, 200.)

July 16.—Remarks on a motion to strike from an amendment to the bill authorizing a loan of twelve million dollars the clause prohibiting the redemption of Treasury notes not due. Votes against the motion. Votes in favor of the original amendment. (G. 27 C. 1 s. 1841, X. 211.)

July 17.—Votes in favor of various amendments to the Loan Bill. Votes in favor of a motion to adjourn. Remarks on a renewal of the motion prohibiting the reissue of Treasury notes to be redeemed in the future; votes in favor of the amendment in a modified form. (G. 27 C. 1 s. 1841, X. 221, 222, 223.)

July 19.—Remarks on his resolution relating to removals from office. (G. 27 C. 1 s. 1841, X. 226.)

Votes against the passage of the bill authorizing a loan of twelve million dollars. (Id. 226.)

July 20.—Votes in favor of an amendment to the Fiscal Bank Bill.

* Remarks on the bill. (G. 27 C. 1 s. 1841, X. 231.)

July 21.—Remarks on a bill for changing the place of trial of General Gratiot from Missouri to the District of Columbia. (G. 27 C. 1 s. 1841, X. 233.)

Votes on various amendments to the Fiscal Bank Bill. Offers an amendment, which was rejected, that the Bank should not discount when the notes in circulation and private deposits exceeded three times the specie in the vaults. Offers another amendment, making the proportion one to four,

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which was also rejected. Remarks on these amendments. Votes on various amendments. (Id. 234, 235, 236, 237.)

July 22.—Votes against engrossing for a third reading the bill for changing the venue, in the case of the United States *v.* Gratiot, from Missouri to the District of Columbia. (G. 27 C. 1 s. 1841, X. 240.)

July 23.—Votes against a motion to take up the Bankrupt Bill. Votes on amendments. Votes against engrossing the bill for a third reading, which was ordered. (G. 27 C. 1 s. 1841, X. 243, 244.)

**July* 24.—Speech on the Bankrupt Bill. (G. 27 C. 1 s. 1841, X. 245, Appendix, 205–207.) Votes against the bill, which was passed. (Id. 246.)

Votes on concurring in several committee amendments to the Fiscal Bank Bill. (Id. 246.)

**July* 26.—Votes on various amendments to the Fiscal Bank Bill. Votes against a motion to adjourn. (G. 27 C. 1 s. 1841, X. 249, 250, 251, 252.)

July 27.—Presents a memorial. (G. 27 C. 1 s. 1841, X. 253.)

Votes in favor of a motion to postpone indefinitely the Fiscal Bank Bill. (Id., Appendix, 202.)

* Remarks on an amendment to the Fiscal Bank Bill, providing for the establishment of branches in any State or Territory, with the consent of such State, not to be removed without the assent of Congress. Votes against the amendment. Votes against engrossing the bill for a third reading, which was ordered. (Id. 255–256, Appendix, 213.)

**July* 28.—Remarks on a bill to carry into effect the treaty with Mexico. (G. 27 C. 1 s. 1841, X. 258.)

Votes in favor of the indefinite postponement of the Fiscal Bank Bill. Votes against the bill, which was passed. (Id. 260.)

July 29.—Remarks on a bill providing for navy pensions. Votes in favor of an amendment restricting payments under it to those persons entitled under the laws in existence before 1837. Votes against a motion to strike out the section relating to pensions of officers on retired pay or in service with full pay. Further remarks. (G. 27 C. 1 s. 1841, X. 262, 263.)

July 30.—Presents a memorial for a Bankrupt Law. (G. 27 C. 1 s. 1841, X. 268.)

Votes against several amendments to the bill to incorporate certain banks in the District of Columbia. Votes against engrossing the bill for a third reading. (Id. 269, 270.)

August 2.—Presents a petition against the Bankrupt Bill. (G. 27 C. 1 s. 1841, X. 275.)

Remarks on an amendment to the Naval Appropriations Bill. (Id. 280.)

August 3.—Votes against laying on the table a resolution to hold executive sessions with open doors, when treaties were not under consideration. (G. 27 C. 1 s. 1841, X. 284.)

Remarks on an amendment to the bill for the erection of fortifications and the suppression of Indian hostilities. Votes for the amendment. (Id. 285.) Votes against several other amendments, and participates in debates on them. (Id. 288.)

August 4.—Presents a memorial for a duty on soda ash and pipe-clay used in glass manufacture. (G 27 C. 1 s. 1841, X. 291.)

Remarks on the question of concurring in an amendment to the Fortifications Bill. Votes on various other amendments. Votes against a motion to reconsider the vote for an amendment on armed steamers. (Id. 292, 293, 294.)

August 5.—Makes remarks on and votes against laying on the table a

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motion to print a memorial remonstrating against the acts of the extra session. (G. 27 C. 1 s. 1841, X. 296–297.)

Votes against the third reading of the bill to continue the charters of the banks in the District of Columbia. (Id. 297.)

Votes aye on the passage of the Fortifications Bill. (Id. 297.)

Takes part in the debate on an amendment to the Navy Pension Bill. Votes in favor of another amendment. (Id. 298.)

August 6.—Offers an amendment to the Navy Pension Bill to limit its operation until the close of the next Congress. Amendment adopted. (G. 27 C. 1 s. 1841, X. 302.)

August 7.—Presents memorials relating to duties on woollens and bleaching-powders. Remarks on the latter subject. (G. 27 C. 1 s. 1841, X. 304.)

Votes against sustaining a decision of the Chair ruling Benton out of order. Decision not sustained. Remarks on the appeal. (Id. 304, Appendix, 192, 193.)

**August* 9.—Remarks on a resolution relating to the appointment of additional clerks in the Land Office. (G. 27 C. 1 s. 1841, X. 306, 307, 308–309.) Votes against a motion to lay the subject on the table. (Id. 309.)

Remarks against an amendment to the bill for the distribution of the proceeds of the sales of public lands. (Id. 311.)

August 10.—Votes in favor of a motion to print the memorial remonstrating against the acts of the extra session. (G. 27 C. 1 s. 1841, X. 313.)

Votes in favor of a number of amendments to the bill for the distribution of the proceeds of the sales of public lands and to grant pre-emptions. (Id. 316, 317.)

August 11.—Presents a memorial in favor of defences on the northern frontier. (G. 27 C. 1 s. 1841, X. 319.)

Votes against a motion to lay on the table the bill for the distribution of the proceeds of the sales of public lands. (Id. 320.)

Votes against a motion to take up the report of the Finance Committee on the House amendments to the bill repealing the Sub-Treasury Act. (Id. 320.) Votes against a motion to postpone the bill. Votes against several House amendments. (Id. 321.)

Votes against an amendment to the bill for the distribution of the proceeds of the sales of public lands and to grant pre-emptions.

August 12.—Presents a memorial on a duty on silk. (G. 27 C. 1 s. 1841, X. 324.)

Votes against an amendment to the bill for the distribution of the proceeds of the sales of public lands.

*Remarks on an amendment to strike out the ten per cent. given to the new States. Votes in favor of the amendment. (Id. 328, 328–329, 330, Appendix, 231.)

August 13.—Votes against several amendments to the bill for the distribution of the proceeds of the sales of public lands. (G. 27 C. 1 s. 1841, X. 333.)

**August* 16.—Remarks on the disturbance in the Senate gallery during the reading of President Tyler's veto of the Bank Bill. (G. 27 C. 1 s. 1841, X. 338.)

August 17.—Votes in favor of a motion to lay the Bank Bill on the table. Motion lost. (G. 27 C. 1 s. 1841, X. 341.)

Votes against an amendment to the bill for the distribution of the proceeds of the sales of public lands. Remarks on an amendment giving the Territories ten per cent. of the proceeds. (Id. 341.)

Votes against a motion to postpone the consideration of the veto on the Bank Bill till the following day. (Id. 342.)

G.=Congressional Globe.—C.=Congress.—s.=session.—*=Printed herein.

August 18.—Votes against a motion to postpone till the following day the consideration of the veto of the Bank Bill. Motion prevailed. Votes against an amendment to the bill for the distribution of the proceeds of the sales of public lands. Votes against a motion to lay the bill on the table, which was agreed to. (G. 27 C. 1 s. 1841, X. 348.)

* Remarks on an amendment to the Bankrupt Bill. (Id. 348.) Votes in favor of a motion, which was lost, to postpone the bill. (Id. 349.)

August 19.—Votes against the passage of the Fiscal Bank Bill. The bill was rejected, owing to the lack of a two-thirds vote. (G. 27 C. 1 s. 1841, X. 352.)

August 20.—Presents a memorial against the Bankrupt Bill. (G. 27 C. 1 s. 1841, X. 354.)

Votes against an amendment to the bill for the distribution of the proceeds of the sales of public lands. Offers a motion to adjourn, which was rejected. Votes in favor of a substitute bill. (Id. 359, 360.)

August 21.—Remarks on amendments to the bill for the distribution of the proceeds of the sales of public lands. (G. 27 C. 1 s. 1841, X. 364.)

August 23.—Presents a memorial for a duty on chloride of lime and bleaching-powders. (G. 27 C. 1 s. 1841, X. 369.)

Participates in the discussion on a resolution for the purchase of water-rotted hemp for the use of the Navy. (Id. 369.)

Votes against laying on the table a resolution fixing the day of adjournment. (Id. 369.)

Votes in favor of a motion to consider executive business. (Id. 369.)

Votes against several amendments to the bill for the distribution of the proceeds of the sales of public lands. Votes in favor of a motion to postpone the bill. Votes against engrossing the bill for a third reading, which was ordered. (Id. 369, 370.)

August 24.—Votes in favor of indefinitely postponing a new House bill for a Fiscal Bank. (G. 27 C. 1 s. 1841, X. 372.)

* Remarks on a motion to refer the bill to a select committee. (Id. 372.)

August 26.—Votes against Benton's motion to recommit the bill for the distribution of the proceeds of the sales of public lands, with instructions. Votes against the passage of the bill, which was passed. (G. 27 C. 1 s. 1841, X. 388.)

August 27.—Votes in favor of an amendment to the bill relating to duties and drawbacks. (G. 27 C. 1 s. 1841, X. 391.)

* *August* 28.—Remarks on a House amendment to the Fortifications Bill. Votes against an amendment appropriating $50,000 for defences at Buffalo, New York. Remarks on a Senate amendment for a site for a Western, Southwestern, or Northwestern armory. Votes in favor of insisting on this amendment. (G. 27 C. 1 s. 1841, X. 396, 397, 399.)

* Offers an amendment to the Revenue Bill, to repeal laws admitting railroad iron free of duty. Remarks on the amendment. (Id. 400.)

August 30.—Remarks on a memorial for a duty on chloride of lime and bleaching-powders. (G. 27 C. 1 s. 1841, X. 402.)

Votes in favor of a motion to take up the resolution fixing a day for adjournment. (Id. 402.)

* Remarks on his amendment for a duty of 20 per cent. on railroad iron, and on an amendment by Huntington that iron imported prior to December 1, 1841, be exempt from duty. The latter amendment was adopted. Votes against a motion to reconsider the vote on this amendment. (Id. 402, 403, 403–404, 404, 405.)

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Votes in favor of a motion to recede from amendments to the bill for the distribution of the proceeds of the sales of public lands. (Id. 405.)

August 31.—Remarks on a provision in the Post Office Appropriations Bill making the remainder of $150,000 a contingent fund. Votes and speaks on various amendments. Votes against the passage of the bill. (G. 27 C. 1 s. 1841, X. 408, 409, 410, 411.)

* *September* 1.—Presents a memorial for a duty on foreign prints and pictures. (G. 27 C. 1 s. 1841, X. 413.)

Votes in favor of the passage of a bill for satisfaction of outstanding Choctaw reservations under the treaty of Dancing Rabbit Creek, of September, 1830. (Id. 417.)

* *September* 2.—Votes in favor of a motion to lay on the table the bill relating to duties and drawbacks, and to take up the bill to establish a Fiscal Corporation. Votes in favor of various amendments. (G. 27 C. 1 s. 1841, X. 418, 419.)

Presents a memorial for a duty on chloride of lime. (Id. 420.)

Remarks on the bill to establish a Fiscal Corporation of the United States. (Id. 420–421, Appendix, 340–344, 345–346.)

September 3.—Votes against laying on the table the proceedings of a meeting in Virginia, disapproving the measures of the present session of Congress. (G. 27 C. 1 s. 1841, X. 421.)

Votes in favor of an amendment to the Fiscal Corporation Bill, declaring the power of Congress to modify or repeal it; amendment rejected. Votes against a third reading of the bill, which was ordered. (Id. 423.)

Votes against concurring in a House amendment to the Fortifications Bill. (Id. 423.)

Moves the passage of the bill allowing the franking privilege to the widow of President Harrison, which was read the third time and passed. (Id. 423.)

September 4.—Votes nay on the adoption of an amendment to the Revenue Bill, to exempt tea and coffee from duty. Votes against a motion to adjourn, which prevailed. (G. 27 C. 1 s. 1841, X. 428.)

September 6.—Remarks on a bill appropriating a sum of money for the outfits of diplomatic agents. (G. 27 C. 1 s. 1841, X. 429.)

Votes for an amendment to the Tariff Bill, to exempt salt from duty after June 3, 1842; amendment rejected. Votes against an amendment by Calhoun, which was lost, to limit the operation of the act to articles paying a duty of less than 20 per cent. (Id. 430, 431.)

* Offers and speaks on an amendment to repeal the laws exempting railroad iron from duty. Amendment adopted. (Id. 430, 431.)

September 7.—Takes part in a debate on the bill making an appropriation for the outfits and arrearages of diplomatic agents. (G. 27 C. 1 s. 1841, X. 433.)

Votes on various amendments to the Revenue Bill. (Id. 433, 434, 436, 437.)

Participates in a debate on an amendment to the Diplomatic Appropriation Bill, reducing certain allowances for outfits. Moves to reduce the amount of the appropriations. (Id. 437.)

* Remarks on the Revenue Bill. Votes in favor of the bill, which was passed. (Id. 438.)

September 9.—Votes in favor of a motion to take up for consideration the resolution fixing the day of adjournment. (G. 27 C. 1 s. 1841, X. 443.)

September 10.—Votes in favor of engrossing for a third reading a resolution for the employment of reporters by the Senate, which was ordered. (G. 27 C. 1 s. 1841, X. 446.)

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* Remarks on an amendment to the resolution fixing a day for adjournment, so as to provide for the appointment of a select committee to report a bill for a Fiscal Bank. (Id. 446.)

September 11.—Requests the reading again of a resolution establishing rates of printing for the executive departments. (G. 27 C. 1 s. 1841, X. 449.)

September 13.—Votes against a motion to go into executive session. (G. 27 C. 1 s. 1841, X. 453.)

December 6.—Appears as a Senator from Pennsylvania. (G. 27 C. 2 s. 1841–1842, XI. 1.)

December 14.—On the announcement of the standing committees, appears as a member of the Committee on Foreign Relations and of the Committee on Manufactures. (G. 27 C. 2 s. 1841–1842, XI. 15.)

December 15.—Presents petitions for hospitals on the western waters of Pennsylvania; also a memorial for piers on the Delaware. (G. 27 C. 2 s. 1841–1842, XI. 17.)

December 20.—Remarks on Mangum's request to be excused from serving on the Committee on Printing. (G. 27 C. 2 s. 1841–1842, XI. 30.)

Presents a memorial concerning the Bankrupt Law; also a memorial of the Philadelphia Chamber of Commerce concerning the light at the mouth of the Delaware. (Id. 31.)

Remarks concerning the Civil Appropriations Bill. (Id. 32.)

December 21.—Presents petitions for the abolition of slavery. (G. 27 C. 2 s. 1841–1842, XI. 34.)

Moves reference of the petition of Daniel Kiss to the Committee on Naval Affairs, which was agreed to. (Id. 34.)

* Remarks on a motion to refer the bill to devote the proceeds of the sales of public lands to the public defence. (Id. 41.) Votes in favor of a motion to refer the bill to a select committee; also in favor of a motion to refer it to the Committee on Military Affairs. (Id. 44.)

December 22.—Presents a petition for the improvement of Erie Harbor; remarks on the subject. (G. 27 C. 2 s. 1841–1842, XI. 46.)

Opposes a motion to print 3,000 extra copies of the report of the Secretary of the Treasury on the condition of the finances. (Id. 48.)

December 23.—Moves that the petition of Peters, Moore & Co. be sent to the House of Representatives, which was agreed to. (G. 27 C. 2 s. 1841–1842, XI. 51.)

Remarks on a resolution for information concerning the distribution of the proceeds of the sales of public lands. (Id. 52.)

December 27.—Presents a petition of the widow of J. D. Shaw for an indemnity for stores lost in the *Essex*. (G. 27 C. 2 s. 1841–1842, XI. 56.)

* *December* 28.—Remarks on a motion to refer a bill to postpone the operation of the Bankrupt Law, with a view to its amendment. (G. 27 C. 2 s. 1841–1842, XI. 63–64.) Votes against a motion to refer it to the Committee on the Judiciary. (Id. 64.)

December 29.—Presents petitions for the alteration of the Bankrupt Law. Remarks on the subject. (G. 27 C. 2 s. 1841–1842, XI. 69.)

* Speech on the question of establishing a Board of Exchequer. (Id. 69, Appendix, 43–46.)

December 30.—Presents a memorial against an appropriation for carrying into effect the treaty with the Seneca Indians. (G. 27 C. 2 s. 1841–1842, XI. 75.)

December 31.—Presents a petition for the amendment of the Bankrupt Law; also petitions against confirmation of the treaty with the Seneca Indians. (G. 27 C. 2 s. 1841–1842, XI. 81.)

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SENATE (Continued), 1842.

January 5, 1842.—Presents a petition favoring a protective tariff; also a memorial against an appropriation to carry the treaty with the Seneca Indians into effect. (G. 27 C. 2 s. 1841–1842, XI. 93.)

Remarks on a motion to refer the report of the Secretary of the Treasury on the subject of an Exchequer Board. (Id. 93.)

January 10.—Presents a memorial for the amendment of the Bankrupt Law; also a memorial for a custom-house at Philadelphia. Moves for permission to withdraw from the files the papers of Colonel Johnson, which was agreed to. (G. 27 C. 2 s. 1841–1842, XI. 109.)

January 12.—Moves for leave to withdraw the papers on file of Samuel R. Slaymaker & Co., which was agreed to. Presents resolutions on the subject of claims against France prior to 1800. (G. 27 C. 2 s. 1841–1842, XI. 120.)

January 13.—Presents and comments upon a memorial for the location of a national foundry at Lancaster, Pennsylvania. (G. 27 C. 2 s. 1841–1842, XI. 124.)

January 17.—Presents memorials. (G. 27 C. 2 s. 1841–1842, XI. 136.)

January 18.—Presents and comments upon a memorial against action on the Bankrupt Law. (G. 27 C. 2 s. 1841–1842, XI. 141.)

Moves reference of the petition of Henry Simpson for remuneration for certain services, which was agreed to. (Id. 142.)

January 19.—Presents a memorial against action on the Bankrupt Law; also a petition for the amendment or repeal of the Bankrupt Law; also a petition for the improvement of Erie Harbor. (G. 27 C. 2 s. 1841–1842, XI. 145.)

Votes against laying on the table a resolution calling on the Secretary of the Treasury for certain information concerning the revenues and financial affairs. (Id. 146.)

January 20.—Presents a memorial against action on the Bankrupt Law; also a memorial for the amendment of the Bankrupt Law; also the petition of Hannah Hester for a pension; also a memorial against Sunday mails and the distribution of mails on Sunday. (G. 27 C. 2 s. 1841–1842, XI. 148.)

* Remarks on memorials in relation to the Bankrupt Law. (Id. 148.)

* Remarks on an amendment to the Treasury Note Bill. (Id. 150.) Votes against the amendment. (Id. 150.)

January 21.—Presents memorials for and against action on the Bankrupt Law. (G. 27 C. 2 s. 1841–1842, XI. 152.)

Votes against a motion to lay on the table the resolution concerning the revenues and financial affairs. (Id. 153.)

Votes in favor of a substitute for the Treasury Note Bill. (Id. 155.) Votes in favor of an amendment to the bill. (Id. 157.)

January 22.—Presents a memorial for the amendment or repeal of the Bankrupt Law; also a memorial for a duty on foreign glass. (G. 27 C. 2 s. 1841–1842, XI. 159.)

Votes against the passage of the Treasury Note Bill. (Id. 160.)

January 24.—Moves the postponement of joint resolutions for amendments to the Constitution, prohibiting the holding by a Senator or Representative of civil office under the Government, restricting the veto power, and authorizing the appointment of the Secretary of the Treasury by Congress. Motion agreed to. (G. 27 C. 2 s. 1841–1842, XI. 167.)

January 25.—Presents a memorial against action on the Bankrupt Law; also a memorial for the repeal of the Bankrupt Law. (G. 27 C. 2 s. 1841–1842, XI. 168.)

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January 26.—Presents a memorial against action on the Bankrupt Law; also a petition relating to discriminating duties. (G. 27 C. 2 s. 1841–1842, XI. 172.)

January 27.—Remarks during the speech of Mr. Archer on the resolution to restrict the veto power. (G. 27 C. 2 s. 1841–1842, XI. Appendix, 154.)

January 28.—Presents a memorial relating to the duty on iron. (G. 27 C. 2 s. 1841–1842, XI. 185.)

Votes in favor of a bill to repeal the Bankrupt Law. (Id. 186.)

January 31, *February* 1.—Appointed a member of a committee to take action for superintending the funeral of Hon. Nathan F. Dixon. (G. 27 C. 2 s. 1841–1842, XI. 197, 199.)

* *February* 2.—Speech on the joint resolution to amend the Constitution with reference to the veto power. (G. 27 C. 2 s. 1841–1842, XI. 200, Appendix, 133-141.)

* *February* 3.—Remarks on a resolution for the appointment of a clerk to the Committee on Manufactures. Votes in favor of the resolution. (G. 27 C. 2 s. 1841–1842, XI. 204, 205.)

February 7.—Presents petitions for a duty on iron; also a memorial for locating a national foundry at Lancaster, Pennsylvania; also memorials for pensions for Mary Levely and J. D. Fowle. (G. 27 C. 2 s. 1841–1842, XI. 213.)

* *February* 8.—Remarks on an amendment to the resolution to inquire into the expediency of a law for the division among assenting States of the shares of States dissenting from the distribution of the proceeds of the sales of public lands. Votes for the amendment. Votes against the resolution. (G. 27 C. 2 s. 1841–1842, XI. 217, Appendix, 146.)

February 10.—Moves postponement of the order of the day for the purpose of taking up a bill to confirm land claims in Louisiana, which was agreed to. Remarks on the motion. (G. 27 C. 2 s. 1841–1842, XI. 224.)

February 14.—Presents a memorial for a duty on iron; also a memorial for a protective tariff; also a memorial for the services of Judge Baldwin at the district court at Williamsburg; also a memorial relating to finance. (G. 27 C. 2 s. 1841–1842, XI. 230.)

* Remarks on a resolution concerning an investigation of the New York Custom-house. (Id. 231–232.) Votes against a motion to lay the resolution on the table. (Id. 232.)

February 16.—Presents a memorial against the execution of the treaty with the Seneca Indians; also memorials for a protective tariff, and a petition for a duty on window-glass; also a memorial against the admission of slave States and the annexation of Texas. (G. 27 C. 2 s. 1841–1842, XI. 240.)

* Remarks on a resolution relating to claims against Mexico. (Id. 241.)

February 18.—Presents a memorial for a duty on iron. (G. 27 C. 2 s. 1841–1842, XI. 250.)

* Remarks on the Compromise Act. (Id. 250.)

February 21.—Presents memorials for a protective tariff; also petitions and memorials for the abolition of slavery. (G. 27 C. 2 s. 1841–1842, XI. 256.)

Inquires also concerning the report of a select committee on a Board of Exchequer. (Id. 256.)

February 28.—Presents a memorial for a protective duty; also memorials for a duty on iron. (G. 27 C. 2 s. 1841–1842, XI. 265.)

Remarks on a bill to suspend a part of the bill continuing the corporate existence of the banks in the District of Columbia. (Id. 266.)

March 2.—Presents a petition for a protective tariff; also memorials for a duty on iron. (G. 27 C. 2 s. 1841–1842, XI. 272.)

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March 3.—Presents a memorial for a duty on iron. (G. 27 C. 2 s. 1841–1842, XI. 277.)

**March* 4.—Remarks on a resolution for the distribution of printed copies of the laws and of state papers on public lands. (G. 27 C. 2 s. 1841–1842, XI. 282.)

Remarks on the order of business. (Id. 282.)

March 7.—Presents memorials for a duty on iron. Remarks. Presents a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 288.)

Remarks relating to the bill to suspend a part of the District Bank Bill. Votes in favor of a motion to lay the bill on the table. (Id. 289.)

March 8.—Presents and comments on a petition on the claim of William B. McMultrie. (G. 27 C. 2 s. 1841–1842, XI. 292.)

* Remarks on a misrepresentation as to his age. (Id. 292.)

* Remarks on the bill for the resumption of specie payments by the banks in the District of Columbia. (Id. 293–294.) Votes in favor of recommitting the bill. Votes in favor of a motion to lay the bill on the table. Further remarks; suggests an amendment. Votes in favor of a motion to postpone the bill. (Id. 295.)

March 9.—Votes against the passage of the bill for the resumption of specie payments by the banks in the District of Columbia. (G. 27 C. 2 s. 1841–1842, XI. 300.)

March 11.—Presents memorials for refunding to General Andrew Jackson the fine imposed on him in Louisiana, in 1815. (G. 27 C. 2 s. 1841–1842, XI. 309.)

March 14.—Remarks as to the committee to which should be referred certain memorials on the work of Congress. (G. 27 C. 2 s. 1841–1842, XI. 315.)

Presents the proceedings of a meeting favoring a protective tariff; also memorials for a duty on iron and for a protective tariff; also memorials for refunding the fine imposed on General Andrew Jackson. (Id. 315.)

March 15.—Remarks on a bill to amend the acts establishing United States judicial courts, with reference to jurors. (G. 27 C. 2 s. 1841–1842, XI. 319.)

March 16.—Presents a memorial for refunding the fine imposed on General Andrew Jackson; also a petition relating to pensions; also memorials for a duty on iron, for a protective duty, and for refunding duties illegally paid. (G. 27 C. 2 s. 1841–1842, XI. 322.)

March 17.—Presents a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 327.)

Remarks as to the order of a bill reviving the neutrality law. (Id. 327.)

March 21.—Presents memorials for a duty on iron; also a memorial relating to the importation of spirituous liquors; also memorials for a protective tariff; also a petition for the revival of the Pension Law of July, 1838. (G. 27 C. 2 s. 1841–1842, XI. 340.)

* Remarks on the resolution introduced by him at the last session on removals from office. (Id. 341.)

Remarks on his vote on Clay's resolutions for a tariff above the maximum of the Compromise Act, for the repeal of the provision in the Distribution Act as to its suspension, and for retrenchment and economy. (Id. 341.)

March 22.—Presents a memorial for a duty on iron; also a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 343.)

Motion, and remarks thereon, for leave to withdraw the papers of Margaret Jamison, which was agreed to. (Id. 343.)

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Votes in favor of amendments to the bill amending the act for the distribution of the proceeds of the sales of public lands and for pre-emptions. (Id. 344.)

* *March* 23.—Remarks on a bill assenting to a tax by Illinois on lands sold by the United States. (G. 27 C. 2 s. 1841–1842, XI. 347.)

Remarks during Clay's speech on his resolutions for retrenchment and tariff reform. (Id. Appendix, 327.)

March 24.—Presents a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 351.)

Votes in favor of the passage of the bill removing restrictions on pre-emption rights to public lands. (Id. 352.)

Remarks relating to the resolutions concerning retrenchment and reform. (Id. 353.)

April 5.—Votes against a substitute for the resolution concerning the distribution of the proceeds of the sales of public lands. (G. 27 C. 2 s. 1841–1842, XI. 385.)

Motion during a debate on the Loan Bill, for adjournment, which was agreed to. (Id. 386.)

April 6.—Presents a memorial for the abolition of slavery, and against the annexation of Texas; also memorials for a duty on iron and for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 389.)

Remarks on the Loan Bill. (Id. 391.)

April 7.—Presents memorials for a duty on iron and for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 394.)

* Remarks in favor of an amendment to the Loan Bill, pledging the proceeds of the sales of public lands for redemption of the loan. (Id. 394, Appendix, 265-269.)

April 8.—Presents a memorial for a duty on brushes. (G. 27 C. 2 s. 1841–1842, XI. 398.)

* Remarks on an amendment to the Loan Bill, pledging the proceeds of the sales of public lands for redemption of the loan. (Id. 399, Appendix, 283–284.)

April 9.—Presents a memorial for a duty on coal; also a memorial for refunding the fine imposed on General Jackson; also a memorial for a duty on iron. (G. 27 C. 2 s. 1841–1842, XI. 403.)

Votes in favor of an amendment to the Loan Bill. (Id. 405.)

April 11.—Votes in favor of amendments to the Loan Bill. (G. 27 C. 2 s. 1841–1842, XI. 407, 408.)

April 12.—Votes against a motion to reconsider the vote striking out the third section of the Loan Bill. (G. 27 C. 2 s. 1841–1842, XI. 413.) Votes in favor of the amendment striking out the third section. (Id. 413.) Remarks during the debate on the bill. (Id. 414.)

April 13.—Votes against the passage of the Loan Bill. (G. 27 C. 2 s. 1841–1842, XI. 418.)

* *April* 18.—Eulogy on Joseph Lawrence. (G. 27 C. 2 s. 1841–1842, XI. 431.)

April 20.—Presents memorials for a protective tariff, and for a duty on iron and on flour of mustard, and in favor of the repeal of a certain provision of the Tariff Law. (G. 27 C. 2 s. 1841–1842, XI. 432.)

Votes in favor of a motion to recommit with instructions the bill to incorporate the Washington's Manual Labor School and Male Orphan Asylum. (Id. 433.)

April 21.—Presents several memorials relating to the tariff and to slavery. (G. 27 C. 2 s. 1841–1842, XI. 434.)

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Votes in favor of the passage of the bill to incorporate the Washington's Manual Labor School and Male Orphan Asylum. (Id. 435.)

April 22.—Votes against laying on the table a resolution for information concerning the difficulties in Rhode Island. (G. 27 C. 2 s. 1841–1842, XI. 438.)

April 25.—Presents memorials on the tariff, on defence, and on British coastwise navigation. (G. 27 C. 2 s. 1841–1842, XI. 440.)

Remarks on a question of the reference of a resolution as to rebuilding the light-house on Brandywine Shoals. (Id. 441.)

April 26.—Presents a memorial for a higher duty on wire. (G. 27 C. 2 s. 1841–1842, XI. 443.)

Remarks with reference to the bill to provide further remedial justice in United States courts. (Id. 444.)

April 27.—Votes in favor of a motion to take up a resolution for information concerning the difficulties in Rhode Island. (G. 27 C. 2 s. 1841–1842, XI. 446.)

* *April* 28.—Remarks on the Appropriation Bill, with reference to the compensation of the district attorney, clerk, and marshal of the Southern District of New York. (G. 27 C. 2 s. 1841–1842, XI. 450–451.)

* *April* 29.—Remarks on an amendment to the Appropriation Bill. (G. 27 C. 2 s. 1841–1842, XI. 455.) Votes in favor of the amendment, which was adopted. (Id. 456.)

April 30.—Presents memorials for a protective tariff; also a memorial against travelling and against opening the Post Office on the Sabbath. (G. 27 C. 2 s. 1841–1842, XI. 458.)

* Remarks and votes on various amendments to the Appropriation Bill. (Id. 459, 460.)

May 2.—Remarks on a point of order as to whether, on a motion to take up the resolution calling for information as to the difficulties in Rhode Island, the subject is debatable. Votes in favor of the motion. (G. 27 C. 2 s. 1841–1842, XI. 462, 463.)

May 3.—Votes in favor of an amendment to the Appropriation Bill. (G. 27 C. 2 s. 1841–1842, XI. 468.)

May 4.—Votes in favor of a motion to postpone the bill providing for the apportionment of Representatives among the States. (G. 27 C. 2 s. 1841–1842, XI. 473.)

* Remarks on and votes on various amendments to the Appropriation Bill. (Id. 473, 474, 475.)

May 9.—Presents a memorial for higher duties on saddlery, harness, coaches, and house furniture; also memorials for tariff legislation; and a memorial for the improvement of Erie Harbor. (G. 27 C. 2 s. 1841–1842, XI. 479.)

* Speech on the bill to provide further remedial justice in United States courts. (Id. 480, Appendix, 382–388.)

May 10.—Presents a memorial for a higher duty on umbrellas. (G. 27 C. 2 s. 1841–1842, XI. 484.)

May 11.—Remarks with reference to the bill for the apportionment of Representatives among the States. (G. 27 C. 2 s. 1841–1842, XI. 487.)

Remarks on the International Copyright Bill. (Id. 487.)

Remarks on the bill to provide for remedial justice in United States courts. (Id. 488.)

May 12.—Presents memorials for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 492.)

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Votes in favor of a motion to take up the bill to refund to General Jackson the fine of $1,000 imposed on him in 1815. (Id. 492.)

* Remarks in favor of the bill. (Id. 493, Appendix, 362–363, 365–366.)

May 13.—Presents a memorial against reduction of the duty on gold and silver. (G. 27 C. 2 s. 1841–1842, XI. 496.)

May 17.—Votes in favor of a motion to take up the resolution in relation to affairs in Rhode Island. (G. 27 C. 2 s. 1841–1842, XI. 506.)

* *May* 18.—Remarks with reference to the Apportionment Bill. (G. 27 C. 2 s. 1841–1842, XI. 510.)

Presents memorials for a protective tariff. (Id. 510.)

Votes against laying on the table the subject of a resolution declaring the right of Rhode Island to establish a constitutional republican form of State Government. (Id. 510.)

Participates in a debate on the bill to indemnify General Jackson for the fine imposed on him in 1815. (Id. 511, Appendix, 376.)

May 19.—Votes against an amendment to the bill to refund to General Jackson the fine imposed on him in 1815. (G. 27 C. 2 s. 1841–1842, XI. 515.) Votes against a substitute, refunding the fine and declaring that the act shall not be construed as an expression of opinion upon any judicial proceeding or legal question growing out of General Jackson's declaration of martial law. Votes against engrossing the substitute for a third reading. (Id. 515.)

May 23.—Presents the proceedings of a meeting in favor of a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 523.)

Votes in favor of a motion to take up the resolution fixing a day of adjournment. (Id. 523.)

May 24.—Remarks with reference to a resolution relating to executive business. (Id. 526.)

* Remarks on the Apportionment Bill. (Id. 527, Appendix, 392.)

May 25.—Suggests passing over informally the resolution relating to executive business and taking up the Apportionment Bill, which was agreed to. (G. 27 C. 2 s. 1841–1842, XI. 532.)

Votes against concurring in a committee amendment to the Apportionment Bill. Votes in favor of an amendment changing the ratio of representation. Moves adjournment, which was agreed to. (Id. 534.)

May 26.—Presents a memorial for the removal of the duty on quicksilver, and for enhancing the duty on tartaric acid; also a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 537.)

Moves an amendment to the Apportionment Bill, fixing the ratio of representation at 70,680. (Id. 538, 539.)

* Remarks on the bill. (Id. Appendix, 410–412.)

May 27.—Presents a memorial for the alteration of the duty on jewelry; also a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 543.)

* Remarks on the Apportionment Bill. (Id. 545, 546, Appendix, 438–439.)

Votes against several motions fixing the ratio of apportionment. Votes in favor of two motions fixing the ratio. Votes in favor of a motion fixing the ratio at 71,257. (Id. 546.) Remarks on a motion to adjourn. (Id. 546.)

May 30.—Votes in favor of reconsidering the vote rejecting a motion to fix the ratio of apportionment. (G. 27 C. 2 s. 1841–1842, XI. 548.) Votes in favor of a motion to fix the ratio at 70,680. (Id. 550.)

May 31.—Remarks on a resolution for continuing in the employment of the Senate certain employees at a compensation allowed them, and con-

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tinuing the clerk of the presiding officer. Moves an amendment to strike out the continuance of the clerk, which was agreed to. (G. 27 C. 2 s. 1841–1842, XI. 557.)

June 1.—Remarks as to taking up a resolution for the appointment of a corps of reporters. Remarks on a motion to lay the resolution on the table; votes in favor of the motion. (G. 27 C. 2 s. 1841–1842, XI. 560, 561.)

Votes against an amendment to the Apportionment Bill, relating to voting districts and representation. (Id. 563.)

June 2.—Remarks on taking up the resolution for the appointment of reporters for the Senate. (G. 27 C. 2 s. 1841–1842, XI. 566.)

June 3.—Remarks on taking up the Apportionment Bill. (G. 27 C. 2 s. 1841–1842, XI. 571.) Remarks on an amendment relating to voting districts and representation. (Id. 573.)

June 4.—Remarks as to taking up the bill to carry into effect the compact with Alabama and Mississippi, relative to the five per cent. fund and the school reservations. Remarks on the bill. (G. 27 C. 2 s. 1841–1842, XI. 576.)

* Remarks on the amendment to the Apportionment Bill, relating to voting districts and representation. (Id. 577–578, Appendix, 449–451.)

June 6.—Presents a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 582.)

Remarks on taking up the Apportionment Bill. (Id. 583.)

June 7.—Presents a memorial for a higher duty on manufactured tobacco. (G. 27 C. 2 s. 1841–1842, XI. 587.)

Votes in favor of an amendment to the Apportionment Bill, with respect to voting districts. (Id. 590.)

June 8.—Remarks on the question of the reference of the Army Appropriation Bill. (G. 27 C. 2 s. 1841–1842, XI. 595.)

Votes in favor of taking up the Apportionment Bill. (Id. 595.) Votes against various amendments. (Id. 597.)

Votes against two motions to adjourn. (Id. 598.)

* *June* 9.—Votes on various amendments to the Apportionment Bill. (G. 27 C. 2 s. 1841–1842, XI. 601, 602.)

Votes against a motion to postpone the further consideration of the bill. Votes against engrossing the bill for a third reading. (Id. 603.)

June 10.—Presents memorials for a protective tariff; also a memorial for fortifying the Gulf of Mexico. (G. 27 C. 2 s. 1841–1842, XI. 607.)

* Remarks on the Apportionment Bill. (Id. 608, 609, 611, 612.)

Votes against a motion to reconsider the vote on an amendment. (Id. 613.) Votes in favor of various amendments. Votes against the passage of the bill. (Id. 614.)

June 13.—Presents a petition for pensions to officers and soldiers who served under General Wayne; also a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 614.)

June 14.—Votes in favor of an amendment to the bill to provide for the armed occupation and the settlement of the unsettled part of East Florida. (G. 27 C. 2 s. 1841–1842, XI. 624.)

Remarks on an amendment to the Navy Appropriation Bill, concerning the number of officers in the Navy. (Id. 626.)

June 15.—Presents a memorial for the exemption of soda ash from duty; also memorials for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 630.)

Remarks on a motion to insist on Senate amendments to the Apportionment Bill not concurred in by the House. Votes against a motion to insist on the amendment providing that such States as have a fraction of more

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than a moiety of the ratio shall be entitled to an additional Representative. Votes in favor of a motion to insist on the amendment increasing the ratio from 50,176 to 70,680. (Id. 630.)

* Remarks on an amendment to the Naval Appropriation Bill, providing against the increase in the number of officers. (Id. 632.)

June 16.—Presents and comments upon a memorial for a marine railway in the port of Philadelphia; also resolutions of the Pennsylvania Legislature in favor of the Apportionment Bill; and memorials for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 637.)

Remarks on the bill to extend for a limited period the present tariff laws. Votes in favor of reading the bill a second time. (Id. 638.)

Votes against a motion to strike out from the Naval Appropriation Bill a proviso against the increase in the number of officers. (Id. 639.) Votes against an amendment increasing the appropriation for a naval constructor at Pensacola, Florida. (Id. 641.)

June 17.—Votes in favor of a motion to increase the appropriation for the Navy. (G. 27 C. 2 s. 1841–1842, XI. 647.)

* Remarks on an amendment providing against the increase of officers. (Id. 647.)

Votes in favor of such an amendment. (Id. 648.) Offers and comments upon an amendment providing for a marine railway or floating dock at Philadelphia. Amendment rejected. (Id. 648.)

June 18.—Presents a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 650.)

* Remarks on the order of business. (Id. 655, 656–657.)

June 21.—Votes in favor of a motion to take up the resolutions calling for information concerning the difficulties in Rhode Island. (G. 27 C. 2 s. 1841–1842, XI. 660.)

June 22.—Presents memorials for creating stock to be distributed among the States, based upon the public lands, and pledging the proceeds of the sales of such lands for the redemption of such stock; also a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 664.)

June 23.—Remarks as to the reference of a bill fixing the fiscal year of the United States Treasury. (G. 27 C. 2 s. 1841–1842, XI. 668.)

Votes in favor of a motion to lay on the table the bill to extend for a limited period the present tariff laws. Votes in favor of a motion to adjourn. (Id. 670.) Votes in favor of an amendment to suspend the provisions of some sections of the act to appropriate the proceeds of sales of public lands. Moves an adjournment, which was not agreed to. Remarks on a motion to suspend the distribution of the proceeds of sales of public lands. Moves an adjournment, which was agreed to. (Id. 671, 672.)

* *June* 24.—Remarks on an amendment to the Tariff Bill, suspending the distribution of the proceeds of sales of public lands till August 1, 1842. (G. 27 C. 2 s. 1841–1842, XI. 677–678.) Votes in favor of striking out a part of the amendment. Votes in favor of a motion to strike out the amendment. Votes against the bill, which was passed. (Id. 678, 679.)

* *June* 25.—Remarks on the Army Organization Bill. (G. 27 C. 2 s. 1841–1842, XI. 684.)

Votes in favor of a motion to strike out the second section of the bill, relating to the superintendents of certain armories. Moves to strike out the third section, abolishing the commissary-general of purchases. Remarks on his motion, which was lost. Moves an adjournment, which was negatived. Further remarks. (Id. 685.)

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June 29.—Presents memorials for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 690.)

Votes in favor of a resolution as to the presentation of rejected claims against the United States. (Id. 690.)

* Renews his motion to strike out the third section of the Army Organization Bill, abolishing the office of commissary-general of purchases. Remarks on the motion, which was negatived. (Id. 692–693.)

June 30.—Presents a memorial for a protective duty on iron, and on cotton, woollen, and silk stuffs. (G. 27 C. 2 s. 1841–1842, XI. 697.)

Remarks on the provision in the Army Organization Bill relating to rations. (Id. 698.)

* *July* 1.—Presents the proceedings of a meeting in favor of a protective tariff. Remarks on the subject. (G. 27 C. 2 s. 1841–1842, XI. 702.)

Remarks on the question of printing a report of the Committee on Manufactures on the part of the President's message of December 7th relating to the tariff. (Id. 707, 708.)

Remarks on the question of postponing till July 4th the bill to provide further remedial justice in United States courts. (Id. 708.)

July 2.—Presents a memorial for the creation of stock to be distributed among the States; also a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 710.)

Moves to lay on the table a bill to authorize the importation, free of duty, of two iron steamboats for Western waters. The motion prevailed. (Id. 710.)

Votes in favor of an amendment to the bill to refund the balance due to Massachusetts for disbursements during the late war. (Id. 711.)

July 5.—Presents a memorial for a marine railway at Philadelphia. (G. 27 C. 2 s. 1841–1842, XI. 718.)

Votes against engrossing for a third reading a bill to settle the accounts of Joseph Nourse. (Id. 719.)

* Remarks on a bill to increase the compensation of Federal judges. (Id. 719, 720.) Votes against several amendments to increase the compensation of certain judges. (Id. 721.) Votes against engrossing the bill for a third reading. (Id. 721.)

July 6.—Votes against and speaks on various amendments to the Judicial System Bill. (G. 27 C. 2 s. 1841–1842, XI. 723.)

July 7.—Remarks and votes on various amendments to the bill providing further remedial justice in United States courts. (G. 27 C. 2 s. 1841–1842, XI. 729, 730.)

Votes against engrossing the bill for a third reading. (Id. 730.)

* *July* 8.—Remarks on a motion for leave to introduce two bills in relation to the tariff. Votes against a motion, which prevailed, to lay on the table the motion for leave to introduce the bills. (G. 27 C. 2 s. 1841–1842, XI. 734.)

Votes against the passage of a bill to incorporate the National Institute for the Promotion of Science. (Id. 734.)

Votes against the passage of the bill to provide further remedial justice in United States district courts. (Id. 734, Appendix, 558.)

July 11.—Presents memorials for the creation of stock to be distributed among the States, as the basis of a sound currency. (G. 27 C. 2 s. 1841–1842, XI. 739.)

July 12.—Presents a memorial from James Reeside for the payment of his claim. (G. 27 C. 2 s. 1841–1842, XI. 743.)

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Remarks on a bill concerning the times of holding the United States district courts in Western Pennsylvania. (Id. 743.)

July 15.—Remarks on a bill for an edition of the United States laws to be compiled and printed, and for its distribution. (G. 27 C. 2 s. 1841–1842, XI. 756.)

July 18.—Votes in favor of a motion for leave to introduce a bill to repeal the Bankrupt Act of 1841. (G. 27 C. 2 s. 1841–1842, XI. 763.)

Moves the taking up of a joint resolution for the benefit of George Schnabel and Robert Barber, Jr. Explains the resolution. (Id. 764.)

July 19.—Presents a memorial of James O'Connor regarding his steam-engine improvement. (G. 27 C. 2 s. 1841–1842, XI. 766.)

Remarks on the bill for the relief of the widow of William Besly. (Id. 767.)

July 21.—Speaks and votes against an amendment to the bill for the settlement of claims growing out of the military occupation of Florida. (G. 27 C. 2 s. 1841–1842, XI. 772.)

July 22.—Presents a memorial for a protective tariff. (G. 27 C. 2 s. 1841–1842, XI. 776.)

* Remarks on the bill for the reduction of postage and concerning the franking privilege. (Id. 776.)

July 23.—Remarks on the bill for the settlement of claims arising under the treaty with the Choctaw Indians at Dancing Rabbit Creek. (G. 27 C. 2 s. 1841–1842, XI. 781.)

Remarks on the bill for the reduction of postage and concerning the franking privilege. (Id. 781, 782.) Votes against a certain schedule of rates of postage. (Id. 782.)

July 25.—Remarks on the bill for the settlement of claims arising under the treaty with the Choctaw Indians at Dancing Rabbit Creek. (G. 27 C. 2 s. 1841–1842, XI. 786.)

July 26.—Further remarks on the above bill. (G. 27 C. 2 s. 1841–1842, XI. 790.)

* *July* 27.—Remarks on the bill for the reduction of postage. (G. 27 C. 2 s. 1841–1842, XI. 796.)

July 29.—Presents documents relating to the steam-engine improvement of James O'Connor. (G. 27 C. 2 s. 1841–1842, XI. 805.)

* *July* 30.—Remarks and votes on several amendments to the Tariff Bill. Moves to strike out the section repealing the proviso for the distribution of the proceeds of sales of public lands. Remarks on the subject. (G. 27 C. 2 s. 1841–1842, XI. 814, 815.)

August 1.—Votes against a motion for leave to introduce a bill reducing from five to two years the term of residence required for naturalization. (G. 27 C. 2 s. 1841–1842, XI. 817.)

Votes in favor of a House substitute for the bill to provide for the armed settlement of a part of the peninsula of Florida. (Id. 818.)

* Remarks on the Tariff Bill. (Id. 819–821, Appendix, 708–711.)

August 2.—Votes against an amendment to the Navy Pension Bill. (G. 27 C. 2 s. 1841–1842, XI. 826.)

Votes in favor of his motion to strike out the section of the Tariff Bill repealing the proviso for the distribution of the proceeds of sales of public lands. (Id. 829.)

August 3.—Votes on a number of amendments to the Tariff Bill. (G. 27 C. 2 s. 1841–1842, XI. 834, 835, 836, 837.)

August 4.—Votes in favor of several amendments to the Tariff Bill. (G. 27 C. 2 s. 1841–1842, XI. 842, 844.)

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August 5.—Votes in favor of a motion to recommit the Tariff Bill, with instructions. Votes against the passage of the bill. (G. 27 C. 2 s. 1841–1842, XI. 850, 852.)

August 8.—Remarks on a bill extending the time within which duties for railroad iron imported by Michigan, being laid for permanent use, may be remitted. (G. 27 C. 2 s. 1841–1842, XI. 857.)

* Remarks on the bill for the establishment of naval schools. (Id. 859-860.)

August 9.—Votes against several amendments to the Navy Pension Bill. (G. 27 C. 2 s. 1841–1842, XI. 863.)

Participates in the discussion on a bill for the establishment of police in the city of Washington. (Id. 864.)

Participates in the debate on the bill for the establishment of naval schools. Votes in favor of engrossing the bill for a third reading. (Id. 864.)

August 10.—Remarks on the bill extending the time within which duties for railroad iron imported by Michigan may be remitted. (G. 27 C. 2 s. 1841–1842, XI. 870.)

Remarks on a motion to lay on the table a bill to authorize contracts for steam vessels for the Navy. (Id. 871.)

* *August* 11.—Remarks on the bill for the reorganization of the Marine Corps. (G. 27 C. 2 s. 1841–1842, XI. 877.)

Votes against engrossing for a third reading the bill to establish police for the city of Washington. (Id. 876.)

August 12.—Votes in favor of postponing indefinitely a bill for the relief of the representatives of John H. Stone. (G. 27 C. 2 s. 1841–1842, XI. 883.)

* *August* 13.—Remarks on the Pension Bill. Votes against a motion to strike out the section allowing pensions to the widows of soldiers dying after the acts of 1836 and 1838. Votes in favor of engrossing the bill for a third reading, which was ordered. (G. 27 C. 2 s. 1841–1842, XI. 885–886.)

August 15.—Moves the postponement of a bill for adjustment of the claims of New Orleans to lands occupied by the United States, which was agreed to. (G. 27 C. 2 s. 1841–1842, XI. 890.)

Remarks on a resolution fixing a day for adjournment. Votes in favor of a motion to lay the resolution on the table. (Id. 890.)

Supports a bill for the relief of John Underwood. (Id. 890.)

Moves adjournment, which was agreed to. (Id. 890.)

August 16.—Votes against ordering to a third reading a bill for the relief of the Springfield Manufacturing Company. (G. 27 C. 2 s. 1841–1842, XI. 893.)

Supports a bill for the relief of Charles F. Sibbald, for false arrest by a United States officer. Moves an amendment to refer the claim to the Third Auditor of the Treasury for settlement; amendment agreed to. (Id. 894.)

August 17.—Votes in favor of a motion to concur in the report of the Conference Committee on the Army Reorganization Bill. (G. 27 C. 2 s. 1841–1842, XI. 903.)

Votes against a motion to reconsider the vote on the bill making an appropriation for a deficiency in the Navy Pension fund; motion lost. Votes in favor of ordering the bill to a third reading, which was agreed to. (Id. 903.)

August 19.—Demands the yeas and nays on a motion to take up the resolution fixing a day for adjournment. (G. 27 C. 2 s. 1841–1842, XI. 913.)

Votes against a resolution to recommit the Webster-Ashburton Treaty. (G. 27 C. 3 s. 1842–1843, XII. 1.)

* Speech on the Webster-Ashburton Treaty. (Id. Appendix, 101–110.)

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August 20.—Votes in favor of a motion to lay on the table the resolution fixing a day for adjournment. (G. 27 C. 2 s. 1841–1842, XI. 919.)

Votes against retaining the 8th article of the Webster-Ashburton Treaty; question determined in the affirmative. Votes against retaining a part of the 1st article; question determined in the affirmative. Votes in favor of a resolution to recommit the treaty with instructions to report an amendment for the safe departure of vessels driven by stress to any of the British West Indian islands; resolution rejected. Votes against retaining that part of the 5th article relating to expenses for protecting the disputed territory and paying Maine and Massachusetts for assenting to the line of boundary; question determined in the affirmative. Votes against the resolution advising and consenting to the ratification of the treaty; resolution adopted. (G. 27 C. 3 s. 1842–1843, XII. 1–2.)

August 23.—Remarks on a bill for grants of bounty land due on account of the services of Major-General Duportail, Brigadier-General Armand, and Major de la Combe. Moves the indefinite postponement of the bill, which was agreed to. (G. 27 C. 2 s. 1841–1842, XI. 927.)

Votes against a motion to take up the bill to regulate the taking of testimony in contested election cases. Requests the reading of the bill, which was done. (Id. 927.) Votes in favor of an amendment to repeal the act for the apportionment of Representatives according to the sixth census. (Id. 929.)

August 24.—Votes in favor of amendments to the bill to regulate the taking of testimony in contested election cases. (G. 27 C. 2 s. 1841–1842, XI. 932.) Votes against a motion to postpone the bill, for the purpose of taking up a joint resolution fixing the day of adjournment; motion lost. Votes in favor of several further amendments. (Id. 933.)

August 25.—Votes against laying on the table a resolution calling for information as to the possible revenue, had the Revenue Bill become a law. (G. 27 C. 2 s. 1841–1842, XI. 935.)

* Votes and speaks on a number of amendments to the Revenue Bill. (Id. 936–937, 938.)

Votes in favor of reading a second time a resolution concerning the pay of members and disallowing compensation for voluntary absence. (Id. 939.)

August 26.—Votes and speaks on a great number of amendments to the Revenue Bill. (G. 27 C. 2 s. 1841–1842, XI. 943, 944, 945.)

Remarks on a motion to adjourn. (Id. 946.) Votes in favor of a motion to adjourn. (Id. 947.)

* *August* 27.—Remarks on the Tariff Bill. (G. 27 C. 2 s. 1841–1842, XI. 950–952.) Votes in favor of engrossing the bill for a third reading. (Id. 960.)

August 29.—Remarks on an amendment to the Fortifications Appropriation Bill. (G. 27 C. 2 s. 1841–1842, XI. 969.)

August 30.—Votes against a motion to lay on the table a resolution for information as to the conferences between the American negotiator and the British special minister, in relation to the payment, assumption, or guarantee of State debts by the United States; motion lost. Votes against a motion, which prevailed, to table the resolution and a substitute for removing the injunction of secrecy from the proceedings and debates on the treaty. Submits a resolution, which was adopted, to remove the injunction of secrecy from the proceedings and debates on the treaty, as soon as the treaty shall have been proclaimed after the exchange of ratifications. (G. 27 C. 3 s. 1842–1843, XII. 2.)

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* *August* 31.—Remarks on unadvised legislation, with reference to the bill for the relief of the heirs of Major-General Baron De Kalb. (G. 27 C. 2 s. 1841–1842, XI. 977.)

December 5.—Appears as a Senator from Pennsylvania. (G. 27 C. 3 s. 1842–1843, XII. 30.)

December 12.—On the announcement of the standing committees, appears as a member of the Committee on Foreign Relations and of the Committee on Manufactures. (G. 27 C. 3 s. 1842–1843, XII. 40; S. Doc. 4, 27 C. 3 s.)

Presents a memorial for the exemption of unmanufactured furs from duty. (Id. 40.)

December 15.—Presents a memorial for the adoption of the warehouse system as a part of the revenue system. (G. 27 C. 3 s. 1842–1843, XII. 54.)

December 19.—Presents a memorial for the exemption of hatters' unmanufactured furs from duty. (G. 27 C. 3 s. 1842–1843, XII. 61.)

December 21.—Presents a memorial for the repeal of the duty on unmanufactured furs. (G. 27 C. 3 s. 1842–1843, XII. 69.)

December 22.—Presents a memorial of the widow of James Reeside for payment of claim. (G. 27 C. 3 s. 1842–1843, XII. 73.)

Votes in favor of a resolution calling for information whether the British minister made any proposition for the assumption or guarantee of State debts by the United States. (Id. 75.)

* Remarks on the bill to indemnify General Jackson for the fine imposed on him at New Orleans, in 1815. (Id. 75, Appendix, 69.)

December 27.—Presents a memorial for refunding General Jackson's fine; also a memorial for the issue by the Government of stock or certificates of loan to the States, as a basis for a sound currency; and a memorial for the continuance of the Bankrupt Law. (G. 27 C. 3 s. 1842–1843, XII. 84.)

December 29.—Presents a memorial for the repeal of the Bankrupt Law. (G. 27 C. 3 s. 1842–1843, XII. 94.)

SENATE (Continued), 1843.

January 3, 1843.—Presents a resolution calling for information concerning cloth cases involving forfeitures for violations of the revenue laws. (G. 27 C. 3 s. 1842–1843, XII. 104.) It was adopted, January 5, 1843. (Id. 118.)

January 4.—Presents a memorial for the repair of a pier on Reedy Island; also a memorial for refunding General Jackson's fine; and a memorial for clearing obstructions in the Ohio and Mississippi rivers. (G. 27 C. 3 s. 1842–1843, XII. 110.)

January 5.—Presents a memorial in favor of the warehouse system. (G. 27 C. 3 s. 1842–1843, XII. 118.)

January 6.—Presents a memorial for the repeal of the Bankrupt Law. (G. 27 C. 3 s. 1842–1843, XII. 127.)

January 10.—Remarks on the report of the Secretary of the Treasury in relation to cloth cases involving forfeitures for violation of the revenue laws. (G. 27 C. 3 s. 1842–1843, XII. 140.)

Remarks on a motion to print the report on General Jackson's fine. (Id. 142.)

January 11.—Votes in favor of a resolution to print 10,000 extra copies of the majority report, and 20,000 of the minority report, on the bill to refund General Jackson's fine. (G. 27 C. 3 s. 1842–1843, XII. 149.)

January 13.—Credentials as Senator from Pennsylvania for six years, from March 4, 1843, laid before the Senate. (G. 27 C. 3 s. 1842–1843, XII. 158.)

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January 16.—Presents a memorial in favor of a Board of Exchequer; also a memorial for the issue of stock certificates to the States; and a memorial of Christopher Doughty for a pension. (G. 27 C. 3 s. 1842–1843, XII. 161.)

January 17.—Presents the petition of the widow of Philip Krug, a Revolutionary soldier, for the renewal of half-pensions to the widows of Revolutionary officers and soldiers. (G. 27 C. 3 s. 1842–1843, XII. 164.)

Remarks during a discussion on the destruction of steamboats on the Ohio and Mississippi rivers. (Id. 165.)

January 19.—Remarks on a bill for the relief of the Petersburg Railroad Company, with reference to the importation of railroad iron. (G. 27 C. 3 s. 1842–1843, XII. 175.)

* *January* 20.—Remarks on the bill for the relief of the Petersburg Railroad Company. (G. 27 C. 3 s. 1842–1843, XII. 181–182.)

Participates in a debate on the bill to repeal the Bankrupt Law. (Id. 181.)

January 23.—Presents memorials for a Board of Exchequer; also a petition of James Gee for pension arrears; and a memorial of Edward Dexter for indemnity for the capture of the schooner *Betsy* by a French privateer, prior to 1800. (G. 27 C. 3 s. 1842–1843, XII. 185.)

* Remarks on the bill for the relief of the Petersburg Railroad Company. (Id. 187, 188.)

Votes against the passage of the bill. (Id. 188.)

January 25.—Presents a memorial against the repeal of the Bankrupt Law. (G. 27 C. 3 s. 1842–1843, XII. 198.)

January 27.—Remarks on resolutions of the Delaware Legislature urging the retrocession from the United States to Delaware of Pea Patch Island. (G. 27 C. 3 s. 1842–1843, XII. 211.)

Presents a memorial for the repeal of the Bankrupt Law. (Id. 211.)

January 30.—Presents memorials for the release of Mr. Kendall. (G. 27 C. 3 s. 1842–1843, XII. 219–220.)

Presents a memorial of Samuel Raub concerning his invention of a mode of preventing the explosion of steam-boilers. (Id. 220.)

Suggests postponement of the bill for the relief of the West Feliciana Railroad and Banking Company and the Grand Gulf Railroad Company, which was agreed to. (Id. 220.)

February 1.—Presents a memorial for the creation of stock to be distributed among the States. (G. 27 C. 3 s. 1842–1843, XII. 229.)

Remarks on the commitment of the bill for the occupation and settlement of Oregon Territory. (Id. 230.) Moves adjournment, which was agreed to. (Id. 230.)

February 3.—Presents a memorial for the repeal of the Bankrupt Law. (G. 27 C. 3 s. 1842–1843, XII. 238.)

Participates in the discussion on the bill for the occupation and settlement of Oregon Territory. (Id. 239.) Votes against a motion to commit the bill. Votes against a motion to strike out the clause giving a bounty to each settler. Votes in favor of engrossing the bill for a third reading. (Id. 240.)

February 6.—Presents a memorial of the Pittsburg Board of Trade for the improvement of Western rivers; also memorials for the reconstruction of the pier at Port Penn and for continuing the coast survey. (G. 27 C. 3 s. 1842–1843, XII. 243.)

February 7.—Votes against a motion to reconsider the vote by which the bill for the occupation and settlement of Oregon Territory was passed. (G. 27 C. 3 s. 1842–1843, XII. 252.)

G.=Congressional Globe.—C.=Congress.—s.=session.—*=Printed herein.

February 8.—Presents and comments upon a memorial for establishing a regular line of packets to Chagres and an overland mail to Panama. (G. 27 C. 3 s. 1842–1843, XII. 255.)

* *February* 9.—Remarks on a resolution for the establishment of agencies for the inspection and purchase of water-rotted hemp for the Navy. Votes in favor of engrossing an amendment and reading the resolution a third time. (G. 27 C. 3 s. 1842–1843, XII. 263.)

Remarks on the question of taking up the bills for augmenting the Marine Corps and for the reorganization of the Navy. (Id. 263.)

Moves that a bill for the relief of John Gerald Ford be laid on the table, which was agreed to. (Id. 264.)

February 10.—Presents a memorial for the issue of stock, based on the public lands, to be distributed among the States. (G. 27 C. 3 s. 1842–1843, XII. 266.)

* Remarks on an amendment to the Army Appropriation Bill, providing for meteorological observations. (Id. 268.)

February 13.—Presents a memorial for establishing by law the current value of German coin; also a memorial for an issue of stock based on the public lands; and a memorial for restoring Mr. Kendall to his personal liberty and remunerating him for losses. (G. 27 C. 3 s. 1842–1843, XII. 275.)

* *February* 14.—Remarks on resolutions for reduction of the tariff, retrenchment, and economy. (G. 27 C. 3 s. 1842–1843, XII. 282.)

February 15.—Votes against laying the foregoing resolutions on the table. (G. 27 C. 3 s. 1842–1843, XII. 289.)

February 16.—Votes against a motion to postpone the resolutions concerning the assumption of State debts. (G. 27 C. 3 s. 1842–1843, XII. 296.)

February 17.—Votes in favor of taking up the foregoing resolutions. (G. 27 C. 3 s. 1842–1843, XII. 299.)

February 18—Votes against a motion to lay the resolutions on the table. (G. 27 C. 3 s. 1842–1843, XII. 304.) Remarks with reference to the resolutions. (Id. 306.) Votes against a motion to postpone the subject. (Id. 308.)

February 20.—Presents a memorial for a drawback on exports of distilled spirits. (G. 27 C. 3 s. 1842–1843, XII. 311.)

Votes against laying on the table resolutions against the power of the Government to assume State debts by the issue of stock. (Id. 315.)

Remarks on the bill to refund General Jackson's fine. Votes against a substitute by which the fine was simply to be restored to General Jackson. Votes against another substitute, refunding the fine and costs, but expressing no opinion. (Id. 316.)

February 21.—Votes in favor of the passage of the bill for refunding General Jackson's fine. (G. 27 C. 3 s. 1842–1843, XII. 321.)

Remarks on the question of taking up the Bankrupt Bill. (Id. 322.)

Remarks on an amendment to the Navy Appropriation Bill. (Id. 322.)

February 22.—Votes against a motion to lay on the table the resolutions against the assumption of State debts. (G. 27 C. 3 s. 1842–1843, XII. 327.)

Votes against an amendment to the Navy Appropriation Bill. (Id. 328.)

Gives notice that he would, on the next day, ask leave to introduce a bill in relation to holding a court in the Western District of Pennsylvania. (Id. 328.)

Remarks on the question of fixing a day for the consideration of Bayard's resolution to rescind the Expunging Resolution. (Id. 328.)

February 23.—Introduces a bill for holding a court in the Western District of Pennsylvania. On his motion, the bill was considered, reported, and finally passed. (G. 27 C. 3 s. 1842–1843, XII. 331.)

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Votes against an amendment to the Navy Appropriation Bill, to recommit the bill with instructions. (Id. 336.)

Remarks on the bill for the relief of the West Feliciana Railroad and the Grand Gulf Railroad and Banking Company. (Id. 336–337.)

February 24.—Remarks on the bill for the relief of Mary Crawford. (G. 27 C. 3 s. 1842–1843, XII. 341.)

Participates in the discussion on amendments to the bill to repeal the Bankrupt Law. Calls for division of the question on the amendments. (Id. 342.)

* *February* 25.—Votes and speaks on several amendments to the bill for the repeal of the Bankrupt Law. Votes in favor of the passage of the bill. (G. 27 C. 3 s. 1842–1843, XII. 347–349.)

February 27.—Makes a motion to lay on the table a bill for the publication of the Congressional debates. Motion lost. (G. 27 C. 3 s. 1842–1843, XII. 354, 355.)

Votes in favor of a motion to postpone the bill indefinitely. Remarks on the bill. Votes in favor of a motion to recommit the bill. Further remarks. Votes in favor of a number of amendments. (Id. 356, 357.)

Votes in favor of a motion to adjourn, which was lost. Votes in favor of several amendments. (Id. 357.)

Votes in favor of a motion to lay the bill on the table, which was lost. Votes in favor of an amendment. Votes in favor of a motion to adjourn, which was lost. Remarks on a motion to postpone; votes in favor of the motion. (Id. 358.)

Votes in favor of a motion to go into executive session. (Id. 359.)

February 28.—Votes in favor of an amendment to the bill to extend the charters of the banks in the District of Columbia. Offers and speaks upon an amendment making suspension of specie payments ground for forfeiture; amendment agreed to. Votes against an amendment. (G. 27 C. 3 s. 1842–1843, XII. 365.)

March 1.—Moves the consideration of House bills on the calendar, which was agreed to. (G. 27 C. 3 s. 1842–1843, XII. 370.)

Votes in favor of a motion to lay on the table the bill to extend the charters of the District banks. Votes against the passage of the bill. (Id. 371.)

Votes against the passage of a bill to refund to Massachusetts a balance for disbursements during the War of 1812. (Id. 371.)

Participates in the discussion on a bill for the relief of the widow of Captain William Royall. (Id. 371.)

Remarks on the order of business. (Id. 371.)

March 2.—Moves to table a resolution concerning losses of property in Florida Territory in consequence of the Seminole War; which was agreed to. (G. 27 C. 3 s. 1842–1843, XII. 376.)

Participates in the discussion on a bill in relation to records of land patents and other evidences of title. (Id. 377.)

Remarks on the bill to authorize the reissue of Treasury notes. (Id. 380, 381.)

Remarks and votes on several amendments to the General Appropriation Bill. (Id. 382, 383.)

* *March* 3.—Remarks on a bill for pensions to the widows of Revolutionary officers and soldiers. Votes and speaks on several amendments. Votes aye on the passage of the bill. (G. 27 C. 3 s. 1842–1843, XII. 388, 389.)

Votes against a motion to insist on the Senate amendments to the General Appropriation Bill. (Id. 391.)

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Votes against a motion to lay on the table a bill providing for future intercourse with China. Votes against a motion to strike out "reciprocity" from terms of intercourse. (Id. 392.)

Votes against a motion to concur with a conference report on the amendments to the General Appropriation Bill. (Id. 393.)

Moves for leave to withdraw the papers of Mr. McMurtrie from the files, which was agreed to. (Id. 394.)

December 4.—Appears as a Senator from Pennsylvania. (G. 28 C. 1 s. 1843–1844, XIII. 2.)

December 6.—Presents a memorial of the executrix of James Reeside, concerning a claim against the Post Office Department. (G. 28 C. 1 s. 1843–1844, XIII. 13.)

December 11.—On the announcement of the standing committees, appears as a member of the Committee on Foreign Relations and of the Committee on Manufactures. (G. 28 C. 1 s. 1843–1844, XIII. 22; S. Doc. 4, 28 C. 1 s.)

Moves reference of the petition of Mary Reeside to the Committee on the Judiciary. (Id. 22.)

December 15.—Remarks on a question of reference of an act of the Missouri Legislature in relation to the boundary between that State and Iowa Territory. (G. 28 C. 1 s. 1843–1844, XIII. 36.)

December 21.—Presents a memorial for the repair of piers at Port Penn. Remarks on the subject. (G. 28 C. 1 s. 1843–1844, XIII. 56.)

* Remarks on a bill to settle the title to Pea Patch Island. (Id. 57, 58.)

SENATE (Continued), 1844.

January 2, 1844.—Presents memorials for the relief of American citizens confined in British prisons during the War of 1812; also memorials relating to French spoliation claims, naval pensions, reduction of postage rates, and the tariff. (G. 28 C. 1 s. 1843–1844, XIII. 90.)

January 3.—Presents a memorial for postage reduction. (G. 28 C. 1 s. 1843–1844, XIII. 96.)

January 4.—Presents and comments upon a memorial for the completion of the works in Erie Harbor. (G. 28 C. 1 s. 1843–1844, XIII. 100.)

January 8.—Presents a memorial for drawback on exports of spirits distilled from foreign syrups; also a memorial for continuing the works in Erie Harbor. (G. 28 C. 1 s. 1843–1844, XIII. 115.)

* Remarks on a resolution for correspondence on the subject of the title to, and occupation of, Oregon since March 4, 1841. Votes against the resolution. (Id. 116, 117, Appendix, 104.)

January 9.—Remarks on a motion to postpone indefinitely a resolution requesting the President to give notice of the abrogation of Article III. of the treaty with Great Britain of October 20, 1818, relating to Oregon. (G. 28 C. 1 s. 1843–1844, XIII. 121.)

January 10.—Votes against a motion to postpone indefinitely the bill to settle the title to Pea Patch Island. Participates in the discussion on the bill. (G. 28 C. 1 s. 1843–1844, XIII. 125.)

January 15.—Presents a memorial for postage reduction; also a memorial of Peter S. V. Hamot, for refund of a sum of money paid by him on account of forfeiture of bail given by him. (G. 28 C. 1 s. 1843–1844, XIII. 143.)

January 16.—Presents a memorial for a dry-dock at Philadelphia. (G. 28 C. 1 s. 1843–1844, XIII. 148.)

January 18.—Presents a memorial for amending the Constitution so as expressly to acknowledge Divine Providence, and for the repeal of laws

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authorizing the running of mail-stages on Sunday. (G. 28 C. 1 s. 1843–1844, XIII. 158.)

Remarks on a resolution to postpone indefinitely a bill to reduce the tariff. (Id. 161, Appendix, 106.)

January 22.—Presents and comments upon a memorial for a new custom-house at Philadelphia; also a memorial of Count de Grasse for assistance. (G. 28 C. 1 s. 1843–1844, XIII. 171.)

January 23.—Votes against printing the resolutions of the Massachusetts Legislature favoring an amendment to the Constitution, allowing only free persons to be represented in Congress. (G. 28 C. 1 s. 1843–1844, XIII. 176.)

January 24.—Presents a memorial for the completion of the works in Erie Harbor. (G. 28 C. 1 s. 1843–1844, XIII. 181.)

January 25.—Remarks on the resolution for the abrogation of Article III. of the treaty with Great Britain of October 20, 1818, relating to Oregon. (G. 28 C. 1 s. 1843–1844, XIII. 191.)

January 29.—Presents a memorial for postage reduction. (G. 28 C. 1 s. 1843–1844, XIII. 199.)

January 30.—Presents memorials for the payment of certain cancelled Treasury notes; remarks on the subject. Presents a memorial from the heirs of David Noble, for commutation pay; and a memorial relating to the application of customs laws to canal-boats passing through the New Jersey canal line with coal. (G. 28 C. 1 s. 1843–1844, XIII. 206.)

January 31.—Presents a memorial for the completion of the works in Erie Harbor. (G. 28 C. 1 s. 1843–1844, XIII. 211.)

February 5.—Presents a memorial for the exemption of railroad iron from duty; also a memorial for the exemption of canal-boats from the law regulating the issue of coasting licenses; and a memorial for the reduction of postage. (G. 28 C. 1 s. 1843–1844, XIII. 226.)

February 7.—Presents memorials remonstrating against the admission of Texas, relating to the claim of William D. McMurtrie, and concerning the claim of the heirs of James Vanuxem on account of French depredations prior to 1800. (G. 28 C. 1 s. 1843–1844, XIII. 238.)

February 8.—Presents a memorial for the completion of the works in Erie Harbor. (G. 28 C. 1 s. 1843–1844, XIII. 244.)

Votes in favor of a motion to postpone the previous orders of the day for the purpose of taking up the bill to refund General Jackson's fine. (Id. 245.)

February 13.—Votes against an amendment to the foregoing bill. (G. 28 C. 1 s. 1843–1844, XIII. 269.)

February 14.—Presents a memorial for a dry-dock at Philadelphia; also a memorial of Robert McGuire for compensation for injuries sustained while a captive of the Indians during the war. (G. 28 C. 1 s. 1843–1844, XIII. 273.)

Votes in favor of a third reading of the bill to refund General Jackson's fine. It was so ordered. (Id. 274.)

February 15.—Votes against a motion to lay on the table a bill for the repair of Pennsylvania Avenue. Votes in favor of engrossing the bill for a third reading. (G. 28 C. 1 s. 1843–1844, XIII. 282.)

February 16.—Presents a memorial for a pension for the widow of Captain David Porter; also a memorial for exempting canal-boats employed in the coal trade from paying for coasting licenses. (G. 28 C. 1 s. 1843–1844, XIII. 285.)

February 17.—Remarks on a bill authorizing the transfer of appropriations in the naval service for certain purposes. (G. 28 C. 1 s. 1843–1844, XIII., Appendix, 238.)

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February 19.—Presents a memorial from Benjamin B. Ferguson for a pension; also a petition for the payment of the claim of John Houston, a Revolutionary surgeon; also a memorial for exempting canal-boats employed in the coal trade from coasting licenses; and a memorial for a custom-house at Philadelphia. (G. 28 C. 1 s. 1843–1844, XIII. 291, 291–292.)

Remarks on a bill to purchase copies of a history of Oregon, California, etc. (Id. 293.)

February 20.—Calls for the reading of the bill to extend the charters of the District banks. Remarks on the bill; motion to recommit it, with instructions to add a provision rendering the stockholders liable for all their issues. (G. 28 C. 1 s. 1843–1844, XIII. 297.)

Remarks on a bill for the purchase of copies of a history of Oregon, California, etc. (Id. 298.)

Votes aye on the passage of the bill for repairing Pennsylvania Avenue. (Id. 298.)

Remarks on a bill making compensation to pension agents. (Id. 298, 299.) Votes in favor of several amendments. (Id. 299.) Votes against ordering the bill to a third reading. (Id. 300.)

February 22.—Remarks on a resolution calling for a copy of the proceedings of the court of inquiry in the case of Alexander Slidell Mackenzie. (G. 28 C. 1 s. 1843–1844, XIII. 305.)

February 23.—Remarks on a resolution calling for the correspondence relating to the interpretation of Article X. of the Webster-Ashburton Treaty. (G. 28 C. 1 s. 1843–1844, XIII. 311.)

Remarks on a resolution for the abrogation of Article III. of the treaty of October 20, 1818, with Great Britain. (Id. 314.)

February 26.—Presents documents relating to the claim of the representatives of John Houston. (G. 28 C. 1 s. 1843–1844, XIII. 319.)

* *February* 27.—Presents a memorial against the repeal of the duty on railroad iron. Remarks on the subject. (G. 28 C. 1 s. 1843–1844, XIII. 326.)

Votes in favor of the passage of a bill authorizing the transfer to Maryland of stock held by the United States in the Chesapeake and Ohio Canal. (Id. 327.)

Remarks on the resolution for the abrogation of Article III. of the treaty of 1818 with Great Britain. (Id. 328.)

* *March* 4.—Remarks on the death of Mr. Frick. (G. 28 C. 1 s. 1843–1844, XIII. 338–339.)

March 5.—Presents a memorial for the repair of the piers at Port Penn; also a memorial for the re-enactment of the Pension Law of March, 1837. (G. 28 C. 1 s. 1843–1844, XIII. 339.)

Votes on several amendments to the bill for the relief of certain contractors with the Government. (Id. 342.)

March 6.—Remarks on the bill for the settlement of Oregon Territory. (G. 28 C. 1 s. 1843–1844, XIII. 347.)

March 7.—Moves postponement of the resolution for the abrogation of Article III. of the treaty of 1818 with Great Britain. (G. 28 C. 1 s. 1843–1844, XIII. 355.)

March 8.—Presents a memorial against the alteration of the tariff of 1842. (G. 28 C. 1 s. 1843–1844, XIII. 358.)

March 11.—Remarks on a motion to adjourn. (G. 28 C. 1 s. 1843–1844, XIII. 366.)

* *March* 12.—Speech on the resolution for the abrogation of Article III. of the treaty of 1818 with Great Britain. (G. 28 C. 1 s. 1843–1844, XII. 369–373, Appendix, 345–350.)

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March 13.—Presents memorials against any alteration of the tariff of 1842; also a memorial for the repair of the piers at Port Penn.

* Presents a memorial on religious matters; remarks thereon. (G. 28 C. 1 s. 1843–1844, XIII. 376.)

Moves for leave to withdraw the petition of G. T. Byer, which was agreed to. (Id. 376.)

March 15.—Votes in favor of several amendments to the bill for the improvement of the Fox and Wisconsin rivers. (G. 28 C. 1 s. 1843–1844, XIII. 389, 390.)

Votes against laying on the table a bill to repeal certain sections of the Distribution Act. (Id. 391.)

March 18.—Presents a petition from the widow of Condy Raguet for compensation for diplomatic services rendered by her husband as consul and chargé in Brazil; also a petition against any alteration of the tariff of 1842. (G. 28 C. 1 s. 1843–1844, XIII. 394.)

* Remarks on the resolution for the abrogation of Article III. of the treaty of 1818 with Great Britain. (Id. 396, 398–399.)

* *March* 19.—Remarks on the foregoing resolution. (G. 28 C. 1 s. 1843–1844, XIII. 407.)

Presents the memorial of James P. Espy concerning an invention. (Id. 404.)

* *March* 20.—Remarks on the resolution for the abrogation of Article III. of the treaty of 1818 with Great Britain. (G. 28 C. 1 s. 1843–1844, XIII. 411–413, 413–414, Appendix, 350–352.)

March 21.—Presents memorials against the alteration of the tariff of 1842; also a memorial of W. B. Vaughan for an extension of time to complete his contract with the Government; and memorials for the abolition of slavery. (G. 28 C. 1 s. 1843–1844, XIII. 415–416.)

Votes in favor of adopting the resolution for the abrogation of Article III. of the treaty of 1818 with Great Britain. (Id. 418, Appendix, 310.)

March 22.—Presents memorials against any alteration of the tariff of 1842. (G. 28 C. 1 s. 1843–1844, XIII. 421.)

Votes against an amendment to the Pension Bill. (Id. 421.)

* Remarks on the bill for the reduction of postage and the limiting of the franking privilege. (Id. 423.)

March 26.—Presents a number of memorials on different subjects. (G. 28 C. 1 s. 1843–1844, XIII. 436.)

March 29.—Presents a memorial against any alteration of the tariff; also a memorial in favor of the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 457.)

Presents a memorial of T. and J. W. Johnson offering for sale copies of laws of the United States. (Id. 459.)

April 1.—Presents a memorial of J. Sellers and Abm. L. Pennock concerning a claim for bags furnished to the Post Office Department; also memorials against any alteration of the tariff of 1842. (G. 28 C. 1 s. 1843–1844, XIII. 465.)

April 2.—Participates in the discussion on a motion to refer a bill for the establishment of a new collection district in Florida. (G. 28 C. 1 s. 1843–1844, XIII. 469.)

April 3.—Presents memorials against any alteration of the tariff; also a memorial on religious matters. (G. 28 C. 1 s. 1843–1844, XIII. 473.)

* Remarks on a bill for the support of the Military Academy at West Point. Votes in favor of the passage of the bill. (Id. 474.)

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Votes against an amendment to the Fortifications Appropriation Bill. (Id. 474.)

* Remarks on a bill for the continuation of the Cumberland Road in Ohio, Indiana, and Illinois. (Id. 475.)

April 4.—Presents memorials against any alteration of the tariff; also a petition of Eliza M. Cloud for a pension. (G. 28 C. 1 s. 1843–1844, XIII. 478.)

April 5.—Presents a memorial against any alteration of the tariff; also a memorial against the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 482.)

* Remarks on a bill to indemnify naval officers and seamen for property lost in wrecks. (Id. 483–484.)

Remarks on an amendment to the Cumberland Road Bill. (Id. 484.)

April 9.—Presents memorials against alteration of the tariff; also a memorial for the erection of a monument to the memory of certain soldiers who fought at the Brandywine in 1777. (G. 28 C. 1 s. 1843–1844, XIII. 491.)

April 10.—Presents memorials against alteration of the tariff of 1842. (G. 28 C. 1 s. 1843–1844, XIII. 498.)

April 11.—Presents a memorial for reduction of the duty on sugar; also memorials against alteration of the tariff; and a memorial for restoring four companies of artillery in service to the peace establishment of 100 men. (G. 28 C. 1 s. 1843–1844, XIII. 505.)

Votes in favor of a substitute for a bill to establish a naval depot at or adjacent to Memphis, providing for an investigation and report on certain other places. (Id. 508.)

April 12.—Presents a memorial against any alteration of the tariff. (G. 28 C. 1 s. 1843–1844, XIII. 510.)

Votes against the passage of the bill for establishing a naval depot at Memphis. (Id. 511.)

April 15.—Presents a memorial for the reduction of postage; also memorials against change in the tariff; and a memorial against the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 515.)

April 16.—Remarks on a motion to postpone indefinitely a bill for the reduction of postage and the limiting of the franking privilege. (G. 28 C. 1 s. 1843–1844, XIII. 522.)

April 17.—Presents a memorial for the abolition of slavery and against the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 524.)

* Remarks on the bill for the reduction of postage and the limiting of the franking privilege. (Id. 525, 526.) Votes against a motion to strike out the 9th section, which substitutes a given number of free stamps for the franking privilege. (Id. 526.)

* *April* 18.—Remarks on a bill to purchase copies of Greenhow's History of Oregon. (G. 28 C. 1 s. 1843–1844, XIII. 531–532.) Votes in favor of engrossing the bill for a third reading. (Id. 532.)

Votes against an amendment to the bill to reduce postage. Remarks on an amendment to limit the force of the bill. (Id. 533.)

April 19.—Presents a memorial against the annexation of Texas; also the proceedings of a meeting opposed to any alteration of the tariff of 1842. (G. 28 C. 1 s. 1843–1844, XIII. 536.)

Remarks on the question of taking up the bill to reduce postage. (Id. 537.) Further remarks. Votes against a motion to take up the bill. (Id. 537.)

Votes in favor of a motion to take up a resolution to postpone indefinitely the bill in relation to the tariff. (Id. 537.)

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April 22.—Presents memorials and resolutions for and against the annexation of Texas; also memorials against any alteration of the tariff of 1842. (G. 28 C. 1 s. 1843–1844, XIII. 542.)

April 23.—Presents a memorial against the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 546.)

Remarks on several amendments to the bill to reduce postage. (Id. 547, 548.)

April 24.—Presents memorials against any change in the tariff of 1842. (G. 28 C. 1 s. 1843–1844, XIII. 554.)

* Remarks on the bill to reduce postage. Votes on several amendments. (Id. 554, 555.) Further remarks on the bill. Votes in favor of engrossing the bill for a third reading. (Id. 556.)

April 29.—Presents a memorial for the redemption of certain cancelled Treasury notes. Moves leave to withdraw the petition of Mrs. Agnes Slack. (G. 28 C. 1 s. 1843–1844, XIII. 562.)

Votes in favor of the bill to reduce postage and limit the franking privilege. (Id. 562.)

April 30.—Remarks on a resolution to inquire into the right of John M. Niles to a seat as a Senator from Connecticut. (G. 28 C. 1 s. 1843–1844, XIII. 565.)

May 1.—Presents memorials for and against the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 569.)

* *May 8.*—Remarks on the bill to extend the charters of the District banks. Votes against an amendment. Offers an amendment (to an amendment) requiring the keeping of a list of stockholders for public inspection and publication; amendment adopted. Votes in favor of the original amendment. (G. 28 C. 1 s. 1843–1844, XIII. 585, 586.)

May 9.—Presents memorials in favor of the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 588.)

May 13.—Presents a memorial for the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 592.)

Moves an amendment to the bill to extend the charters of the District banks in regard to the choice of trustees in case of failure. Remarks on the amendment, which was adopted. (Id. 593.) Votes in favor of concurring in the amendments of the Committee of the Whole. Votes in favor of the passage of the bill. (Id. 593.)

May 14.—Remarks on a resolution fixing the day of adjournment. (G. 28 C. 1 s. 1843–1844, XIII. 597.)

May 15.—Presents the proceedings of a meeting in favor of the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 598.)

Remarks on the bill for the relief of the directors of the New England Mississippi Land Company. Votes in favor of engrossing the bill for a third reading. (Id. 599.)

May 16.—Presents a memorial against the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 602.)

Votes in favor of the passage of the bill for the relief of the directors of the New England Mississippi Land Company. (Id. 603.)

May 17.—Votes against laying on the table a resolution fixing the day of adjournment. (G. 28 C. 1 s. 1843–1844, XIII. 607.)

May 18.—Presents the memorial of John Shaw concerning his invention of a percussion cap for cannon and small arms; also a memorial for the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 608.)

May 21.—Presents a memorial for a law fixing one day for the election of President and Vice-President. (G. 28 C. 1 s. 1843–1844, XIII. 611.)

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May 22.—Votes against a motion to postpone indefinitely a bill regulating the pay of the Army. (G. 28 C. 1 s. 1843–1844, XIII. 615.)

May 23.—Remarks with reference to the bill for the payment of redeemed Treasury notes afterwards stolen. (G. 28 C. 1 s. 1843–1844, XIII. 617.)

May 24.—Votes in favor of a resolution requesting the return from the House to the Senate of the bill regulating the pay of the Army. (G. 28 C. 1 s. 1843–1844, XIII. 619.)

May 25.—Presents memorials for the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 622.)

Votes in favor of a motion to postpone the resolution fixing a day for adjournment. (Id. 623.)

May 28.—Presents a petition against the annexation of Texas; also a petition for the restoration of certain companies of horse artillery to their standard prior to 1842; and memorials of Alice Pew and Sarah Seales for pensions. (G. 28 C. 1 s. 1843–1844, XIII. 628.)

Votes against an amendment to the Naval Pension Bill. (Id. 628.)

Remarks on the bill relating to certain collection districts. (Id. 628, 629.)

Votes against an amendment to a bill for the relief of the heirs of Robert Fulton. (Id. 629.)

May 29.—Presents a memorial for the annexation of Texas. (G. 28 C. 1 s. 1843–1844, XIII. 630.)

Votes against a motion to recommit a bill authorizing the opening of a canal around the Falls of St. Mary. Votes in favor of the passage of the bill. (Id. 630.)

May 31.—Votes against an amendment to the resolution to postpone indefinitely the bill for restoring the tariff to the standard of the Compromise Act. Votes in favor of the resolution. (G. 28 C. 1 s. 1843–1844, XIII. 633.)

**June* 1.—Presents a memorial for the alteration of the naturalization laws. Remarks on the subject. (G. 28 C. 1 s. 1843–1844, XIII. 634–635.)

Remarks with reference to a bill making appropriations for certain Western harbors and rivers. Votes in favor of the passage of the bill. (Id. 635.)

Votes in favor of an amendment to a bill making appropriations for certain Eastern harbors and rivers. Moves an amendment, and remarks thereon, to appropriate $500 for the repairs at the Marcus Hook pier; amendment rejected. Votes in favor of the passage of the bill. (Id. 635.)

June 3.—Presents a memorial for the alteration of the naturalization laws. (G. 28 C. 1 s. 1843–1844, XIII. 636.)

Remarks on a motion to lay on the table a memorial from the Society of Friends on the subject of slavery. (Id. 637.) Votes against the motion. (Id. 638.)

Remarks on an amendment to the bill to adjust the title to Pea Patch Island. (Id. 638.)

Remarks with reference to the petition of A. H. Johnson. (Id. 638.)

Participates in the discussion on the claim of James Reeside. (Id. 638.)

June 5.—Votes in favor of engrossing for a third reading the bill to adjust the title to Pea Patch Island. (G. 28 C. 1 s. 1843–1844, XIII. 643.)

June 6.—Votes in favor of laying on the table the question of the reception of a memorial remonstrating against the annexation of Texas. Votes in favor of the reception of the memorial. (G. 28 C. 1 s. 1843–1844, XIII. 647.)

June 8.—Presents memorials for the alteration of the naturalization laws; also the proceedings of a meeting adverse to the annexation of Texas;

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and memorials of Anne Houston and Elizabeth Smith for pensions. (G. 28 C. 1 s. 1843–1844, XIII. 651.)

* Speech on the treaty for the annexation of Texas. (Id. Appendix, 720–727.)

Votes in favor of advising and consenting to its ratification. (Id. 652.)

June 11.—Presents memorials for the alteration of the naturalization laws; also a memorial for the ratification of the treaty for annexing Texas, or for the admission of Texas as a Territory. (G. 28 C. 1 s. 1843–1844, XIII. 658.)

Remarks on memorials for the alteration of the naturalization laws. (Id. 658, 659.)

Offers a resolution, which was adopted, for inquiring into the expediency of purchasing a certain banking-house in Philadelphia for a custom-house. (Id. 660.)

Votes against a motion to lay on the table a joint resolution for the annexation of Texas. (Id. 661.)

Votes in favor of a motion to lay on the table a bill providing for the remission of duties on railroad iron. (Id. 661.)

* Remarks on the bill. (Id. 661, Appendix, 680–682.)

Votes against engrossing the bill for a third reading. (Id. 662.)

June 12.—Remarks on the period of the session left for the transaction of business. Votes against an amendment to the joint resolution for the relief of certain claimants under the Cherokee treaty of 1836. (G. 28 C. 1 s. 1843–1844, XIII. 668, 669.)

Remarks on the despatch of business before the Senate. Participates in the debate on the Reeside Claim Bill. Votes against an amendment. (Id. 669.)

June 13.—Remarks on a bill for the relief of George Wentling. (G. 28 C. 1 s. 1843–1844, XIII. 672.)

Votes against a motion to lay on the table a bill for the annexation of Texas. (Id. 673.)

Remarks on a provision in the General Appropriation Bill for the payment of Jeremiah Smith. (Id. 673.)

Votes against a motion to strike out from the General Appropriation Bill the provision for the salary of the chargé to Sardinia. Remarks and votes on several amendments. (Id. 674.)

Moves an amendment to appropriate $6,000 for the outfit of David Porter, late minister to Turkey; remarks on the subject; the amendment was adopted. (Id. 675.)

Moves adjournment, which was not agreed to. Remarks on the bill for the remission of the duties on railroad iron. (Id. 675.)

June 14.—Presents a memorial for the reform of the naturalization laws. (G. 28 C. 1 s. 1843–1844, XIII. 678.)

Votes against laying on the table the resolution of inquiry about certain acts of Great Britain. (G. 28 C. 1 s. 1843–1844, XIII. 678.)

Votes in favor of a motion to take up a bill fixing the same day throughout the United States for the choice of Presidential electors. (Id. 679.)

* Remarks on the bill. Votes against a motion to lay the bill on the table. (Id. 680.)

Votes in favor of a motion to strike out from the Naval Appropriation Bill the section abolishing spirit rations. (Id. 682.) Participates in the debate on an amendment. (Id. 682.)

Votes against an amendment to a bill making appropriations for certain

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G.=Congressional Globe.—C.=Congress.—s.=session.—*=Printed herein.

objects of expenditure therein named, in the year ending June 30, 1844. Votes in favor of the passage of the bill. (Id. 683.)

Remarks on and votes against a motion to take up the question of reconsidering the vote refusing to order the bill for the remission of duties on railroad iron to be engrossed. (Id. 683.) Votes against the motion to reconsider the vote. (Id. 683.) Remarks on the bill. Votes in favor of a motion to lay the whole subject on the table. Votes in favor of a motion to postpone the subject. Votes in favor of a motion to postpone the bill indefinitely. (Id. 684.)

June 15.—Remarks on the order of business. (G. 28 C. 1 s. 1843–1844, XIII. 688.)

* Remarks on a report of the Committee on Retrenchment. (Id. 689.)

June 17.—Presents a memorial relative to the reform of the naturalization laws. (G. 28 C. 1 s. 1843–1844, XIII. 695.)

December 2.—Appears as a Senator from Pennsylvania. (G. 28 C. 2 s. 1844–1845, XIV. 1.)

December 4.—Presents the credentials of Senator Ashley, of Arkansas. (G. 28 C. 2 s. 1844–1845, XIV. 8.)

December 9.—On the announcement of the standing committees, appears as a member of the Committee on Foreign Relations and of the Committee on Manufactures. (G. 28 C. 2 s. 1844–1845, XIV. 12; S. Doc. 2, 28 C. 2 s.)

Presents memorials for the repair of the piers at Port Penn and for the completion of the light-house on the Brandywine shoals. (Id. 12.)

Moves for leave to withdraw from the files the papers in the case of Joshua Shaw, which was agreed to. (Id. 12.)

December 11.—Presents a petition of the executrix of James Reeside for the payment of the claim against the Post Office Department. Remarks on the claim. (G. 28 C. 2 s. 1844–1845, XIV. 19.)

December 12.—Presents a petition for the repair of the piers at Port Penn and for the completion of the light-house on the Brandywine shoals. (G. 28 C. 2 s. 1844–1845, XIV. 24.)

December 17.—Presents a memorial for the repair of the piers at Port Penn and for the completion of the light-house on the Brandywine shoals; also additional testimony in support of the claim of Joshua Shaw.

* Presents a memorial, and makes remarks thereon, to extend the period of required residence before naturalization to 21 years. (G. 28 C. 2 s. 1844–1845, XIV. 37.)

December 19.—Presents a memorial from the Philadelphia and Reading Railway Company for the remission of the duties on imported railroad iron; also a memorial of the widow of Enoch Edwards for commutation pay; and a memorial for the repair of the piers at Port Penn and for the completion of the light-house on the Brandywine shoals. (G. 28 C. 2 s. 1844–1845, XIV. 48.)

Votes in favor of a motion to refer the bill to organize the government of Oregon to the Committee on Territories. (Id. 48.)

* Remarks on the question of reference. (Id. 49, Appendix, 46.)

Votes against a motion to refer it to the Committee on Foreign Relations. (Id. 49, Appendix, 50.)

December 30.—Presents memorials on the subject of naturalization, and for the admission of Texas, and the continuation of the tariff of 1842; also a memorial for the construction of a canal around the Falls of St. Mary; also a memorial for a constitutional amendment to prevent governmental interference with slavery. (G. 28 C. 2 s. 1844–1845, XIV. 73.)

December 31.—Presents a memorial for the abolition of slavery and against the annexation of Texas. (G. 28 C. 2 s. 1844–1845, XIV. 75.)

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SENATE (Concluded), 1845.

January 2, 1845.—Presents memorials for the abolition of slavery. (G. 28 C. 2 s. 1844–1845, XIV. 78.)

Remarks on a bill for the settlement of the Reeside claim. (Id. 79.)

Votes in favor of the passage of the bill granting lands to Indiana to complete the Wabash and Erie Canal. (Id. 80.)

January 6.—Presents a memorial for the proper organization of Oregon Territory; also a memorial for the improvement of the Mississippi and tributary rivers. (G. 28 C. 2 s. 1844–1845, XIV. 93.)

Remarks on a bill increasing the pay of certain officers of revenue-cutters. (Id. 93.)

January 7.—Remarks on a resolution to prohibit the issuing of grants of certain lands in Louisiana. (G. 28 C. 2 s. 1844–1845, XIV. 99.)

January 8.—Presents a memorial for the reduction of postage and the abrogation of the franking privilege. Remarks on the subject. (G. 28 C. 2 s. 1844–1845, XIV. 104.)

January 9.—Moves reference of a memorial of Henry May, administrator of Wm. H. Slacum, which was agreed to. (G. 28 C. 2 s. 1844–1845, XIV. 115.)

Remarks on amendments to the bill for the establishment of the Smithsonian Institution. (Id. 117.)

January 13.—Moves reference of the petition of Eliza M. Cloud, which was agreed to. (G. 28 C. 2 s. 1844–1845, XIV. 128.)

Votes against a motion to recommit a bill for the relief of Miles King and his assigns. (Id. 129.)

January 14.—Votes in favor of engrossing for a third reading a bill renewing widows' pensions. (G. 28 C. 2 s. 1844–1845, XIV. 134.)

January 15.—Presents a memorial for postage reduction; also a memorial to extend to 21 years the period of required residence before naturalization. (G. 28 C. 2 s. 1844–1845, XIV. 138.)

Votes against engrossing for a third reading the bill increasing the pay of officers of revenue-cutters while temporarily employed in the naval service. (Id. 139.)

Votes in favor of engrossing for a third reading a bill for the relief of Asa Andrews. (Id. 139.)

January 20.—Presents documents in support of the claim of William Fuller and Orlando Saltmarsh on the Post Office Department; also a petition for an amendment of the naturalization laws; and a petition as to the fitness of Hollidaysburg, Pennsylvania, as a site for a national armory. (G. 28 C. 2 s. 1844–1845, XIV. 155.)

Votes against engrossing for a third reading a bill to refund a balance due to Massachusetts. (Id. 156.)

Remarks on a bill authorizing the making of permanent contracts for the transportation of mails upon railroads. (Id. 157.)

* *January* 21.—Remarks on the bill for establishment of the Smithsonian Institution. (G. 28 C. 2 s. 1844–1845, XIV. 162, 163–164.)

January 22.—Votes in favor of the passage of the bill for the continuation of the Cumberland Road in Ohio, Indiana, and Illinois. (G. 28 C. 2 s. 1844–1845, XIV. 172.)

Votes against the passage of the bill to refund a balance due to Massachusetts. (Id. 172.)

Remarks on a bill for the relief of Joshua Shaw. Votes against a motion to recommit the bill. Votes in favor of the passage of the bill. (Id. 172.)

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January 27.—Presents a memorial for fixing a uniform postage on letters; also a memorial against the annexation of Texas. (G. 28 C. 2 s. 1844–1845, XIV. 194.)

January 29.—Presents a memorial against the annexation of Texas. (G. 28 C. 2 s. 1844–1845, XIV. 211.)

* Remarks on a bill to reduce the postage and to limit the franking privilege. (Id. 214.)

Votes against several amendments fixing the rates of postage. (Id. 214, 215.)

February 3.—Presents a memorial as to the price and sale of public lands. (G. 28 C. 2 s. 1844–1845, XIV. 233.)

Votes against a motion on the bill to reduce postage, continuing the franking privilege of certain officials. Votes and speaks on several amendments. (Id. 234.)

February 4.—Report by the Committee on Foreign Relations on resolutions against the annexation of Texas.

* Remarks on the subject. (G. 28 C. 2 s. 1844–1845, XIV. 240.)

February 5.—Votes against a motion to refer a bill to provide for the annexation of Texas. (G. 28 C. 2 s. 1844–1845, XIV. 248.)

Remarks on the bill to reduce postage. (Id. 248.)

February 6.—Remarks on his amendment to an amendment to the bill to reduce postage and limit the franking privilege. Amendment negatived. Votes against the original amendment. Votes in favor of striking out the 9th section. Votes in favor of an amendment concerning newspapers. (G. 28 C. 2 s. 1844–1845, XIV. 252, 253.)

February 7.—Presents memorials against the annexation of Texas; also memorials for the abolition of slavery and for the colonizing of Pennsylvania negroes in Oregon Territory. (G. 28 C. 2 s. 1844–1845, XIV. 256.)

Votes against an amendment to the bill to reduce postage. (Id. 257.) Participates in a debate on an amendment to the bill. (Id. 257.)

February 8.—Presents a memorial against the annexation of Texas. (G. 28 C. 2 s. 1844–1845, XIV. 260.)

Votes in favor of the passage of the bill to reduce postage. (Id. 264.)

February 10.—Votes in favor of engrossing for a third reading the bill to provide for ascertaining the claims of American citizens for French spoliations prior to July 31, 1801. (G. 28 C. 2 s. 1844–1845, XIV. 267.)

Votes in favor of engrossing for a third reading a bill for a free bridge across the Eastern Branch of the Potomac. (Id. 267.)

February 11.—Remarks on the question of postponing the consideration of the resolution against the annexation of Texas. (G. 28 C. 2 s. 1844–1845, XIV. 271.)

Remarks on a bill for the purchase and distribution of the decisions of the United States Supreme Court. (Id. 271.) Votes against engrossing the bill for a third reading. (Id. 273.)

Remarks on a bill authorizing the appointment of assistant surgeons and assistant pursers in the Navy. Votes against engrossing the bill for a third reading. (Id. 272.)

February 13.—Presents a memorial for a change of post routes; also a memorial of William Carman for a pension. (G. 28 C. 2 s. 1844–1845, XIV. 278.) Presents a memorial of Enos Stephens concerning his invention of a machine for recording legislative votes. (Id. 278.)

Votes against the passage of a bill for the purchase and distribution of the decisions of the Supreme Court. (Id. 278.)

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Remarks with reference to the resolution against the annexation of Texas. Moves adjournment, which was agreed to. (Id. 281, 282.)

February 14.—Speech on a proposition to postpone indefinitely the joint resolution for annexing Texas. (G. 28 C. 2 s. 1844–1845, XIV. 287; Niles' Register, March 1, 1845, LXVII. 405–409.)

Votes against a motion to refer to the Judiciary Committee a bill for the admission of the States of Iowa and Florida. (Id. 287.)

February 15.—Presents a memorial for the purchase and distribution of the reports of the Supreme Court. (G. 28 C. 2 s. 1844–1845, XIV. 291.)

Votes against a motion to postpone a resolution to fix an earlier hour of meeting. (Id. 292.)

February 19.—Votes in favor of an amendment to the resolution fixing the daily hour of meeting of the Senate. Votes in favor of the resolution. (G. 28 C. 2 s. 1844–1845, XIV. 308.)

February 20.—Votes against a motion to reconsider the vote on the resolution providing for the daily hour of meeting. (G. 28 C. 2 s. 1844–1845, XIV. 314.)

Votes in favor of a resolution providing that the special order, the resolution admitting Texas, shall be proceeded with until otherwise ordered. (Id. 315.)

February 22.—Presents a memorial of John Hall for a pension. (G. 28 C. 2 s. 1844–1845, XIV. 328.)

February 24.—Votes in favor of the passage of a bill making appropriations for the Military Academy at West Point. (G. 28 C. 2 s. 1844–1845, XIV. 332.)

February 26.—Remarks on the bill to allow certain railroad iron to be imported free of duty by Michigan and by certain railroad companies. (G. 28 C. 2 s. 1844–1845, XIV. 350.)

Votes against two separate motions to adjourn. Remarks on a further motion to adjourn. (Id. 352.)

**February* 27.—Remarks on an amendment to the General Appropriation Bill, to reduce the salaries of the ministers to Austria and Brazil. (G. 28 C. 2 s. 1844–1845, XIV. 357.)

* Remarks on the joint resolution from the House for annexing Texas. (Id. 359.)

Votes against an amendment for squatter sovereignty south of the Missouri Compromise line. Votes against an amendment stipulating that the public debt of Texas shall in no event become a charge upon the United States Government. Votes against a substitute. Votes in favor of an amendment providing for the admission of Texas as a State. (Id. 361, 362.) Votes against a further amendment. (Id. 361.) Remarks on the bill. (Id. 361–362.) Votes against a motion to strike out the House resolution. Votes against several motions. Votes in favor of engrossing the bill for a third reading. (Id. 362.)

February 28.—Votes in favor of a bill to enable the Chickasaw Indians to try their claims in United States courts. (G. 28 C. 2 s. 1844–1845, XIV. 365.)

Remarks on the bill for the relief of Michigan and certain railroad companies. Votes against the bill. (Id. 365.)

Remarks on an amendment to the General Appropriation Bill, providing for compensation to J. Pemberton Hutchinson for diplomatic services. (Id. 367.) Remarks on an amendment as to computing the mileage of members of Congress. (Id. 367.)

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Votes against an amendment to the Mexican Indemnities Bill. (Id. 368.) Votes against the amendment on reconsideration. (Id. 369.)

March 1.—Votes in favor of a House amendment to the bill to reduce postage. (G. 28 C. 2 s. 1844–1845, XIV. 376.)

Votes in favor of laying on the table a resolution providing for the retention by the Secretary of the Treasury of moneys due to a State which may be in default for the payment of interest or principal on its stocks or bonds held by the United States.

* Remarks on the resolution. Votes in favor of a motion to lay the resolution on the table. Votes against its engrossment for a third reading. (Id. 377.)

Votes against an amendment to the bill for the admission of Florida and Iowa as States. Votes in favor of the passage of the bill. (Id. 383.)

March 3.—Votes in favor of a motion to postpone previous orders and take up the bill to organize a territorial government in Oregon. (G. 28 C. 2 s. 1844–1845, XIV. 388.)

Participates in a debate on the Indian Appropriation Bill. (Id. 389.) Votes against an amendment. Votes in favor of an amendment. (Id. 389.)

Votes in favor of laying on the table a motion to print a report on naturalization frauds. Votes against a motion to print. (Id. 389, 390.)

Remarks on the Navy Appropriation Bill. Votes against an amendment making an appropriation for the heirs of Robert Fulton. (Id. 390.)

Votes in favor of an amendment to the Army Appropriation Bill, appropriating $225,000 for the continuation of the Cumberland Road. Remarks on amendments to the bill. Votes in favor of an amendment making an appropriation for the improvement of the Ohio River. (Id. 391.)

Remarks on a resolution for printing a report of Lieutenant Fremont's expedition over the Rocky Mountains. (Id. 391.)

Votes in favor of the passage, over the President's veto, of a bill in relation to revenue cutters. (Id. 391.)

Remarks on the bill for the improvement of harbors and rivers. (Id. 391.) Votes against certain amendments. (Id. 391.) Votes against a motion to lay the bill on the table. (Id. 392.) Votes in favor of engrossing the bill for a third reading. (Id. 393.)

March 4.—Appears as a Senator from Pennsylvania. (G. 28 C. 2 s. 1844–1845, XIV. 397.)

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LIBRARY OF THE UNIVERSITY OF CALIFORNIA

THE WORKS OF JAMES BUCHANAN

1813.

TO JARED INGERSOLL.[1]

LANCASTER 6th February 1813.

DEAR SIR

Enclosed you will discover a letter of recommendation in my favor, Jas. Hopkins, Esq., of Lancaster. They contain a solicitation, that you would do me the honor of appointing me your Deputy in the county of Lebanon which has recently been struck off the counties of Dauphin & Lancaster.

I should have procured letters from a greater number of persons had I not known it would only have been troubling you, without advancing my own interest. You are perfectly acquainted with how much facility numerous recommendations for almost any appointment can be obtained; I have therefore in addressing you been bold enough to come forward under the patronage of but two names. As they are perfectly acquainted with the qualifications necessary for the discharge of the duties of Deputy Attorney General, and as they have too much honor and integrity to deceive you by recommending an unworthy person: I feel confident that their solicitation will have more influence with you, than if my appointment had been asked by a much greater number of ordinary characters.

If you think proper to honor me by giving me the appointment, I shall feel proud to have obtained it from a gentleman

[1] From the Buchanan Papers, Historical Society of Pennsylvania. Mr. Ingersoll, when this letter was written, was Attorney General of Pennsylvania. The text here given is taken from a draft, or a rough copy, in which, after the word "favor" in the second line, there are crossed out the following words—"the one from Mr. Hopkins, the other from Judge Franklin."

of your distinction, & shall use every exertion to do my duty in such a manner as to merit your approbation.

Without any desire to precipitate your decision, I should consider it a particular favor if you would be so good as to inform me the result of it, as soon as is convenient, after it is made. I hope you will not think this request presumptuous, when you are informed that I am a young man just about selecting a place of future settlement, & that your determination will have a considerable influence upon my choice.

I am with great esteem your[s] sincerely

JAMES BUCHANAN.

JARED INGERSOLL ESQUIRE.

1815.

FOURTH OF JULY ORATION.[1]

AN ORATION,

Delivered before the Washington Association of Lancaster, on the fourth of July, 1815, by James Buchanan, Esq., and published at the request of the Standing Committee.

(*Concluded.*)

They began with the destruction of the navy. It had been supposed by the federal administrations, that a navy was our best defence. From the locality of our country, and from the nature of such a force, they knew that it would be peculiarly calculated to protect our shores from foreign invasion, and to make us respected by the nations of the world; without, like a standing army, endangering our liberties. It was also foreseen by them, that without a navy, our commerce would be exposed, as a rich temptation, to the avarice of all nations; and in consequence of our own weakness, we would be subjected to constant insults and

[1] The editor has been unable to find a complete copy of this oration. It was published in the Lancaster *Journal* of July 21 and July 28, 1815. A search in Lancaster and elsewhere has failed to discover a copy of the issue of July 21, containing the opening part of the speech. A copy of the issue of July 28, containing the conclusion, which is here reproduced, is preserved in the rooms of the Historical Society of Pennsylvania, at Philadelphia. The effect of Mr. Buchanan's Federalist antecedents is clearly displayed in these early utterances. For his own comments upon them, see his sketch of the early part of his life, which is given in the last volume of this publication.

injuries upon the ocean, without the power of resistance. It had, therefore, been their policy, gradually to erect a navy, and they had built a great number of vessels at the time when the first democratic administration came into power.

At that moment the scene changed. They had promised the people an exemption from taxes, and unless they could perform, their popularity was in danger. They did not hesitate what course to pursue. They immediately sold our national ships—they disarmed the country—left commerce unprotected and invited insult and injustice from abroad, that they might not be under the necessity of imposing a trifling tax, and thereby injuring their popularity at home.

Thanks be to Providence the delusion upon this subject has vanished, and their conduct now appears in its proper light before the public. The little remnant of that navy, which had been fondly cherished by Washington and his adherents, but which was despised by the patriots of the present day, has risen triumphant above its enemies at home, and has made the proud mistress of the ocean tremble. The people are now convinced that a navy is their best defence.

The democratic administration next declared war against commerce. They were not satisfied with depriving it of the protection of a navy, but they acted as though they had determined upon its annihilation. At a time, when the nations of Europe were convulsed by dreadful wars, the United States being neutral, and when, in consequence thereof, all our native productions were in the greatest demand, and the carrying trade presented to our merchants a rich harvest in every quarter of the globe, they shut up our ports by embargoes and non-importation laws. By these means, the streams of wealth, which were flowing into our national treasury and into our country, from the thousand fountains of commerce, were suddenly dried up. These acts of parricide gave an instantaneous and a dreadful blow to our prosperity. The voice of business was no longer heard in our cities. The stillness of death pervaded every street. Dejection and despair sat upon each man's countenance. The newspapers of the day, instead of being filled with arrivals from abroad, and sales of merchandize, teemed with bankruptcies. And our ships were laid up to rot, as melancholy monuments of the weak and wicked policy of our government.

Who that has witnessed these things, cannot observe the hand of the Corsican despot, like that dreadful hand upon the wall of

the Babylonish monarch, writing our destruction. Who can avoid believing that Bonaparte was the source of this policy, and that it was intended to operate in unison with his continental system. It might perhaps be unwarrantable to assert, that our administration were actually corrupted by France; but that their politics were biassed by a warm and improper partiality for that country, there can be no doubt.

Time will not allow me to enumerate all the wild and wicked projects of the democratic administrations. Suffice it to say, that after they had deprived us of the means of defence, by destroying our navy and disbanding our army; after they had taken away from us the power of re-creating them, by ruining commerce, the great source of our national and individual wealth; after they had, by refusing the Bank of the United States a continuation of their charter, embarrassed the financial concerns of the government, and withdrawn the only universal paper medium of the country from circulation; after the people had become unaccustomed to, and of course, unwilling to bear, taxation; and without money in the Treasury, they rashly plunged us into a war with a nation more able to do us injury than any other in the world. What was the dreadful necessity for this desperate measure? Was our country invaded? No. Were our liberties in danger? No. Was it to protect our little remaining commerce from the injuries it sustained by the orders in council? No. Commerce was not such a favorite, and the merchants wished for no war on that account. Besides, if the existence of the orders in council had been its true cause, after their repeal, our country would have accepted the olive branch which was offered by England. What then was the cause? The one for which we professed to draw the sword and risk our all, was to determine an abstract question of the law of nations, concerning which, an opinion different from that of our administration, was held by all Europe. To decide whether a man can expatriate himself or not. In the decision of this question our administration pretended to feel a deep interest. The greater part of those foreigners, who would be affected by it, had long been their warmest friends. They had been one of the great means of elevating the present ruling party, and it would have been ungrateful for that party to have abandoned them.

Superficial observers may suppose this to have been the real source of the war; but whoever will carefully and impartially examine the history of our country, will find its true origin to have been far different. It took its rise from the over-weaning

partiality which the democratic party have uniformly shown for France, and the consequent hatred which they felt against her great adversary, England. To keep this foreign feeling alive, has been the labour of their leaders for more than twenty years; and well have they been repaid for their trouble, for it has been one of the principal causes of introducing and continuing them in power. Immediately before the war, this foreign influence had completely embodied itself with every political feeling of a majority of the people, particularly in the west. Its voice was heard so loud at the seat of government, that the President was obliged either to yield to its dictates, or to retire from office. The choice in this alternative was easily made by a man, who preferred his private interest to the public good. We were, therefore, hurried into the war utterly unprepared.

What has been its result? Exactly what every reasonable man expected at its commencement. We declared our intention of conquering Canada; whether for the purpose of annexing it to the United States, or of compelling our enemy to yield the doctrine of impressment, is immaterial to the present question. Instead of conquering it, we have ourselves been invaded in every quarter, and the best blood of the country has streamed in defence of our own soil. The very capitol of the United States, the lofty temple of liberty, which was reared and consecrated by Washington, has been abandoned to its fate by his degenerate successor, who ought to have shed his last drop of blood in its defence.

After the administration had entered upon the war, instead of coming forward, with manly confidence, and taxing the people for its support, they basely shrunk from their duty, in order to maintain their popularity, and adopted the ruinous system of carrying on the contest by borrowing money. What were the effects of this policy? Does not every man in the country know, was it even disguised by the administration, that the United States would, in a short time, have become bankrupt, had not a peace been concluded? Thanks then to Heaven, that we have obtained a peace, bad and disgraceful as it is; otherwise, the beautiful structure of the federal government, supported by the same feeble hands, might have sunk, like the capitol, into ruins.

This system of anticipating our revenue has left an immense load of debt upon the country, the payment of which will be a grievous burden, not only upon the present generation, but upon posterity. This burden has fallen more heavily upon our county, than upon any other part of the union; on account of our numer-

ous and extensive distilleries. The late additional duty imposed upon whiskey has almost destroyed its manufacture. In its consequences, it has not only affected the distillers, but it has given a severe blow to the prosperity of this county generally. Whilst the distilleries were in active operation, the cattle and the grain of the farmer always found a good and a ready market at home. The balance of trade was greatly in our favor, and wealth was rapidly diffusing itself throughout our county. But Congress, by imposing a tax upon the article more grievous than it was able to bear, have not only blighted our prosperity, but have destroyed the very revenue which they intended to raise. This instance, among many others of a similar nature, shows how totally destitute are our present rulers of wisdom and foresight, even upon subjects immediately regarding the pecuniary interest of the government.

These are not the only evils consequent upon that timid and time-serving policy. It has embarrassed the government so much, that it must be a long time indeed, before we can dare again to go to war with any powerful nation, even for the maintenance of our dearest rights. All these evils would, in a great measure, have been prevented by sufficient independence in the administration, to have imposed moderate taxes at the commencement of the contest. The credit of the nation would then have continued good, and we might have avoided the painful spectacle of seeing the public stock sold in the market, at an enormous discount, and greedy speculators enriching themselves by its purchase, at the expense of the toil and sweat of the honest yeomanry of our country.

Instead of exempting seamen sailing under our flag from impressment by the war, we have altogether relinquished that principle: because it is a well established truth in the law of nations, that if war be waged by one country against another for a specified claim, and the treaty which terminates the contest, is silent upon that subject, it is forever abandoned. Thus the government have at last yielded the very point for the maintenance of which they professed to go to war, after having expended nearly $200,000,000.

We have not only not obtained by the war any thing which we were taught to expect, but we have lost many valuable privileges. All the numerous rights and advantages guaranteed to us by Jay's treaty have been relinquished. Nay, we have not only been compelled to conclude a treaty which does not contain one solitary stipulation in our favor, except that there shall be peace;

but which unsettles the boundaries of our country, and leaves to the decision of commissioners, whether we shall longer retain a part of our own territory, which we have held in quiet possession for more than twenty years.

But notwithstanding our immense national debt, which, if the war had continued, would soon have resulted in national bankruptcy; notwithstanding all our property, even the very necessaries of life have been taxed heavily; notwithstanding we have not obtained a single object which we had in view at the commencement of the contest, but have lost many valuable privileges; notwithstanding our country has been invaded in every quarter, and the capitol of the United States has been laid in ashes by a marauding party of the enemy; this has been called a glorious war. Glorious it has been, in the highest degree, to the American character; but disgraceful in the extreme to the administration. When the individual States discovered that they were abandoned by the general government, whose duty it was to protect them, the fortitude of their citizens arose with their misfortunes. The moment we were invaded, the genius of freedom inspired their souls. They rushed upon their enemies with a hallowed fury, which the hireling soldiers of Britain could never feel. They taught our foe, that the soil of freedom would always be the grave of its invaders.

But do the administration, who involved us in the late unnecessary war, derive any credit from their exertions? Certainly not. They were the spontaneous efforts of the country, undirected by the government. The militia who were chiefly engaged in these glorious conflicts, were often without pay and without comfortable clothing. The dreadful situation of the country compelled them to abandon their families and the sweets of domestic life, without any previous warning, to defend places which were left utterly unprotected by their proper guardians. Places which ought to have been ready for a siege, at the commencement of the contest. As well might Ferdinand the 7th of Spain, who was not in his kingdom, but who was nominally king, claim the glory of rescuing his country from the armies of France, as our government take to itself the credit of expelling our invaders.

When we turn our attention to the regular army which were peculiarly under the direction of the national government, what do we discover? During the first year of the war, that year in which it was to have closed with glory, that year within which our

triumphant banners were to have floated upon the walls of Quebec, and all Canada was to have been ours, the year in which that province was left unprotected, and the forces of our enemy were employed in Europe, it experienced nothing but a continuation of degradation and defeat. Is there an American on the floor of this house, who has not blushed for his country a thousand times, during that disgraceful year. Until all the general officers who had been appointed for political purposes, and intrusted with the command at the commencement of the contest, were disgraced; and until others had fought themselves into credit and into notice, all our battles ended in defeat.

During the last year of the war, the regular army, under their new commanders retrieved their lost character and performed prodigies of valor; but unfortunately, on account of the impotence of the government, they fought against such fearful odds, that they were hardly able even to defend our northern frontier. Indeed, so dreadful was the situation of our country, for some time previous to the close of the contest, that the occasional splendid exploits of our heroes, like the gleams of lightning in a dark and tempestuous night, only added new horrors to the surrounding gloom. They only served to shew us what brilliant exertions our country might have made, had we been governed by men who were capable of properly collecting and directing its resources.

But peace has again returned to bless our shores. Again Commerce, who has for years been weeping over the misfortunes of our country, begins to smile. Again we stand neutral towards all the European powers. What then should be the political conduct of our country in future? Precisely to pursue the political maxims adopted by Washington. We ought to cultivate peace with all nations, by adopting a strict neutrality not only of conduct but of sentiment. We ought to make our neutrality respected, by placing ourselves in an attitude of defence. We ought forever to abandon the wild project of a philosophic visionary, of letting commerce protect itself. For its protection we ought to increase our navy. We ought never to think of embargoes and non-intercourse laws without abhorrence. We ought to use every honest exertion to turn out of power those weak and wicked men, who have abandoned the political path marked out for this country by Washington, and whose wild and visionary theories have been at length tested by experience and found wanting. Above all, we ought to drive from our shores foreign

influence, and cherish exclusive American feelings. Foreign influence has been, in every age, the curse of Republics. Her jaundiced eye sees all things in false colours. The thick atmosphere of prejudice, by which she is forever surrounded, excludes from her sight the light of reason. Whilst she worships the nation which she favours, for their very crimes, she curses the enemy of that nation even for their virtues. In every age she has marched before the enemies of her country, proclaiming peace when there was no peace, and lulling its defenders into false security, whilst the iron hand of despotism has been aiming a death-blow at their liberties. Already has our infant republic felt her withering influence. Already has she involved us in a war which had nearly cost us our existence. Let us then learn wisdom from experience, and forever banish this fiend from our society. We are separated from the nations of Europe by an immense ocean. We are still more disconnected from them, by a different form of government, and by the enjoyment of true liberty. Why then should we injure ourselves, by taking part in the ambitious contests of foreign despots and kings?

Should this Washingtonian policy be pursued, our country will again rise to its former greatness and wealth. Under the blessing of Providence, we may then calculate on a long and a happy existence as a nation. We may reasonably hope that our children's children to remote generations may be assembled together upon this auspicious day, blessing the memories of the men whom Heaven entrusted with the glorious task, of making a great nation free, happy, and independent.

1821.

TO JUDGE WALTER FRANKLIN.[1]

WASHINGTON CITY 21 Dec. 1821.

DEAR SIR

It was very gratifying to me, to have received a letter from you. I can with all my heart, reciprocate towards you the expres-

[1] From the Buchanan Papers, Historical Society of Pennsylvania. Judge Franklin, when impeached during the sessions of the Pennsylvania legislature of 1816–17 and 1817–18, was defended by Buchanan, who refers to the trials in his autobiographical sketch of his early life, given in the last volume of this publication. See, also, Curtis's Buchanan, I. 16.

sions of friendship which it contains, although the intervention of unfortunate circumstances, may have prevented me from enjoying as much of the pleasure and profit of your society, as I could have desired; yet my respect and friendship for you have been uniform and unvariable. It was my intention, before I came to Washington, to send you all the public documents, which I thought would be interesting to you, and I shall continue to do so until the end of the Session. It is probable you may find them worth preserving, as it is now difficult even here to obtain those which were printed, but a few years ago.

Upon becoming acquainted with the Members, and hearing several of them speak, I was forcibly struck with the idea that the reputation of many of them, stands higher than it deserves. Several gentlemen who appear to great advantage in the debates published, receive no attention from the Members, they speak for their constituents and not to enlighten their audience; indeed this matter seems to be so perfectly understood, that they proceed with the most perfect deliberation and composure, although they must see and know that they are not able to command any attention. With respect to many of them, if the members were even disposed to listen, they could not hear. It requires great compass of voice to fill the hall. It is a very magnificent and very elegant chamber, but unless a man has stentorian lungs, he cannot be heard distinctly. The voice of Mr. Coulden, for instance, whom you have no doubt heard speak, is so weak, that his usefulness, on that account, will be in a great degree lost.

Mr. Randolph's shrill, sharp, effeminate voice is eminently calculated for the chamber of the House of Representatives. He is indeed an extraordinary man, in his way. When he rises to speak, he commands the most profound attention. He is not very argumentative, but there is more severity and point, both in his matter and in his manner than can be conceived by any person, who has never had an opportunity of hearing him. He is perfect master of language, and always uses the very best word to convey his idea. It is said by those who are intimately acquainted with him that he is *perfectly rational this winter;* and from my own observation, I have no doubt that is the fact. He is great in demolishing, but not in building up, and I have little doubt, that if he now stood at the head of a powerful opposition, as he did in the days of John Adams, and had an opportunity of attacking such ruinous measures, as were then adopted, his character as a politician would be placed nearly on the same level which it then

occupied. At present it is said he is hostis humani generis, and attacks indiscriminately friend and foe.

I have twice attempted to speak, and each time received a tolerable share of attention, which in a very great degree, I attributed to the curiosity of the Members, as on both occasions I felt myself much embarrassed. I am told, however, that I can be distinctly heard.

The first business of general importance on which we shall act will be the Bankrupt bill. Upon this subject I have not yet made up my mind, and it would therefore afford me much satisfaction to hear your opinion; your memory can recall the effects of the last bill on society; and as a politician I am not disposed readily to abandon the lessons of experience for any fanciful theories, however plausible. Whilst on the one hand, I would desire to relieve the many honest and unfortunate Individuals, who are now suffering under the pressure of debts, which they will never be able to discharge, on the other, I fear the passage of a Bankrupt law might again encourage that spirit of unbounded speculation, which has occasioned the very evils it proposes to remedy. My mind is, however, wholly undetermined on the subject.

I have at present nothing more to add than that I remain,

Your sincere friend

JAMES BUCHANAN.

1822.

SPEECH, JANUARY 9, 1822,

IN THE HOUSE OF REPRESENTATIVES, IN COMMITTEE OF THE WHOLE, ON A DEFICIENCY IN THE INDIAN APPROPRIATIONS.[1]

MR. CHAIRMAN:

On Friday last, when the House adjourned, I did believe that the subject now before the Committee was involved in doubt and in mystery. I thought that a dark cloud hung over the transaction, which ought to be cleared up before the House could give its sanction to this appropriation. After a careful examination, the mystery has vanished—the cloud has been dispelled—and, to my view, the subject appears clear as the light of day. If it had not, my vote would be given against the appropriation; because,

[1] Annals of Congress, 17 Cong. 1 Sess. 1821–1822, I. 682–690.

in a Republican Government, doubt and mystery, in any measure proposed by the Executive Department, should always be sufficient to prevent it from receiving the support of the House.

In the remarks which I propose to submit, it will be my endeavor to communicate to the Committee the reasons upon which I have come to the determination to give this appropriation my unqualified support. If I should be wrong, there are many gentlemen in the House whose judgment and whose experience will enable them to correct my errors.

Nice distinctions have been drawn between a just confidence in the Executive Departments, and an unreasonable jealousy of their conduct on the one side; and, on the other, between that, confidence, and a belief in their infallibility. Extremes in such a case are very dangerous. Whilst unreasonable jealousy of men in power keeps the public mind in a state of constant agitation and alarm, a blind reliance upon their infallibility may enable them to destroy the liberties of the people before they are aware of the existence of the danger. At the same time, therefore, that I trust I am one of the last men in the House who would consent to establish the office of dictator in the Commonwealth, or to believe in the infallibility of mortals in politics more than in religion; yet, I should think it wrong to withhold from a public officer that degree of confidence which assumes that he has acted correctly, until the contrary appears. It ought to be a maxim in politics, as well as in law, that an officer of your Government, high in the confidence of the people, shall be presumed to have done his duty, until the reverse of the proposition is proved.

These observations are made, not because I believe they have any bearing upon the present question, but simply in answer to those used by gentlemen who have argued upon the opposite side. The Secretary of War, upon the present occasion, requires not the aid of presumptions in his favor, because, to my mind at least, there is the most full, satisfactory, and self-evident proof.

Before I come to the principal question, Mr. Chairman, permit me to answer one of the arguments which has been eloquently and ingeniously urged by the gentlemen opposed to this appropriation.

It has been said, with truth, that the Constitution provides, "That no money shall be drawn from the Treasury but in consequence of appropriations made by law." It is certain that this provision is the best security for the liberties of the people in the whole of the instrument. Once transfer this branch of power,

vested in Congress, by the Constitution, to the Executive, and your freedom is but an empty name. That Department of the Government having then the command of the purse, might very soon assume the power of the sword.

Has the Secretary of War violated this salutary provision? Has he drawn money out of the Treasury without an appropriation made by law for that purpose? Unquestionably not. So far from asking you to sanction such an unconstitutional measure, he is now requesting you to make an appropriation to supply a deficiency in the means which you had provided to enable him to discharge positive duties, enjoined upon him by your own laws.

Whether this deficiency shall be supplied out of the public purse, or the Secretary be made responsible in his private capacity to those with whom he has made contracts on the faith of the Government, is the only question now before the Committee.

Here let me ask gentlemen, why they are so much alarmed at the fact that the appropriation has proved deficient? Deficiencies must and will occur so long as the men who wield the destinies of this Government are fallible. Nothing short of the spirit of prophecy can prevent them from happening, unless Congress should think proper to make such overwhelming appropriations as would be sufficient to cover all contingencies, not only probable but possible. They existed even while the gentleman from Virginia (Mr. Randolph) was Chairman of the Committee of Ways and Means. I speak the honest sentiments of my heart when I declare that, in my opinion, he possessed as much penetration as any gentleman who ever occupied that distinguished station. Calculate, with the nicest precision, the future probable expenses of any department of the Government, and in the course of the year for which the estimate is made suppose there should be no events of extraordinary occurrence, still it will be a miracle if ever the appropriation shall be exactly equal to all the necessary expenditures. At the instant of time when the sum appropriated is expended in executing your laws, would you have the wheels of Government to stop? Would you declare that all your public agents who had served you faithfully should receive no compensation, merely because either you or your Secretary of War, in the beginning of the year, could not foresee the expenses which might be incurred before its end?

Take for example the Army. Admit, for the sake of argument that which is impossible, even in times of the most profound tranquillity, that you had estimated its future annual expense to

a fraction, and had made an appropriation accordingly. Suppose that during the recess of Congress political storms should envelope your country, that treason at home, or war from abroad, were about to disturb your peace, and that the point of meditated attack was within the knowledge of your Executive. Under such circumstances, would the President of the United States be justified, either to his conscience or to his constituents, if he were not to march the Army from all quarters of the Union to the district of danger. What would you then think of his justification, if he informed you, that he neglected to provide for the common defence, because the Army appropriation was too small to enable him to embody the forces. Such conduct would be treason against the Republic.

Your security, in all cases of this kind, arises from that admirable provision of the Constitution which declares that no money shall be drawn from the Treasury but under the authority of law. When any officer of the Government applies for the passage of a bill to supply a deficiency, you always inquire into the reason why it has occurred; and, if his conduct, upon examination, is found to be correct, you will, as you have always hitherto done, supply the deficiency.

This course of policy is not only necessary in itself, but it gives you a much greater control over the public purse than if, in the beginning of the year, you were to make your appropriations sufficiently large to cover all contingencies. Such conduct would be a powerful temptation to the officer to become extravagant in the expenditure of public money.

Let us, then, inquire whether it was necessary that the sum of $170,000 should have been expended in the Indian department during the year 1821, to carry into effect the spirit and intention of the different acts of Congress.

It has been urged, that, as Congress appropriated but $100,000 to defray the current expenses of that department during the last year, the Secretary was bound to confine himself within that amount. The necessary consequence would be, that the laws establishing that branch of our policy were, in this manner, at least in part, repealed.

This is, I confess, the first occasion on which I have ever heard that a system of laws which had received a fixed construction by the practice of the nation for more than twenty years, could be repealed, not by withdrawing the whole, but a part of the appropriation necessary to carry them into effect. If this

were the case, it would give to estimates, uncertain in their very nature, the effect of expunging from our statute book the most wholesome regulations. Nay, more, it would be delegating legislative power to the Head of a Department, and would introduce the very evil against which gentlemen are so anxious to guard. By this construction, if there be laws in existence enjoining a variety of duties on any officer of the Government; and if, to enable him to discharge all those duties, an annual expenditure of $170,000 is necessary, your appropriation of but $100,000 to that purpose would make him the legislator, instead of yourselves. You thus necessarily vest in him the power of deciding what parts of the system shall remain in vigor, and what parts shall fall before his power. In order to ascertain what laws are repealed, you would be obliged to resort, not to your statute book, but to the Head of a Department. Even then, they would be forever varying, because, whilst he confined himself within his appropriation, he might at pleasure range through the whole system as it originally stood, and select from it such parts as he thought proper to carry into effect. This is not the manner in which Congress ever will, or ever can, manifest their intention. If they desire to reduce the expenses of any Department of the Government, they themselves will lop off every branch which they deem superfluous, and not leave it to the discretion of any Executive officer, no matter how exalted his station. Whilst, however, certain duties are enjoined on any Department of the Government, by acts of Congress, or by treaties, we are bound to supply the officer with the means necessary to the performance of those duties. If, in such a case, our appropriation has been insufficient, we ought at once to supply the deficiency.

What then is the present condition of that Department of the Government called the Indian department? The objects of its expenditure, designated by acts of Congress, and by treaties, which are equally the supreme law of the land, are of a two-fold character. From the nature of the first, the probable expense can be ascertained without difficulty, because it consists of the salaries allowed to agents, sub-agents, interpreters, and blacksmiths, and, we are informed, by the letter of the Secretary, that its amount is not less than sixty thousand dollars annually. The other objects of expense, although authorized by acts of Congress and treaties, are, in their character, so uncertain that the expenses incurred upon them are necessarily contingent in amount. They are detailed in the letter of the Secretary of War, and consist of

"occasional presents to Indians visiting the Agencies, rations issued to them while there, also to distressed Indians, and to the Indians when assembled, for the purpose of distributing their annuities, transportation of annuities, farming and manufacturing utensils for the use of the Indians," &c. The two acts of Congress, the one passed the 13th May, 1800, and the other the 30th March, 1802, are the foundation on which our system of policy, towards the Indians, has been raised by subsequent legislative provisions and by treaties. The expenses of this department were:

In	1808	$140,600
	1809	125,600
	1810	146,600
	1811	146,600
	1812	164,500
	1813	164,500
	1814	464,500
	1815	200,000
	1816	200,000
	1817	200,000
	1818	250,000
	1819	213,000
	1820	200,000

In addition to these sums, which appear on the appropriation bills of the several years, the last Congress supplied a deficiency of $130,205.44, for the years 1815 and 1817.

This system, so eminently calculated to preserve tranquillity around our borders, and to prevent the intrigues of another nation from obtaining for them an undue ascendency over the minds of the savages, had been long established, and was as much incorporated into your policy as that of sending ambassadors to foreign courts. Did Congress express any disapprobation of this system? Did they destroy any part of the bill which appropriated $100,000 for the current expenses of the year? Did they intend that the Secretary should destroy the objects of ascertained or of contingent expense? Both had been equally provided for by your laws and by your treaties. Did Congress mean either that the Indians should receive no rations at your military posts, or that no presents should be given to them, or that they should be deprived of the benefit of receiving agricultural instruments from your hands? If they did, they have expressed no such determination by any law. The consequence of the construction contended for is, that if they intended anything by appropriating but

$100,000, it was to enable the Secretary to legislate in your behalf, and to repeal so much of existing laws and existing treaties as would reduce the expense to $100,000. This he had no power to do, and to allow him to exercise it would establish a most dangerous precedent against the liberties of this people. It would be to allow an officer to stop the wheels of Government, and paralyze the energies of the law the moment the appropriation which had been made was expended.

Could the Secretary have ever supposed that you intended to destroy any part of this establishment? Certainly not, because the expenditures are most just as well as most politic. You have driven that noble race of men from the hunting grounds which God and nature intended for their support. You have caused intestine wars to rage continually among them, by driving remote tribes near together, and thus making it necessary to their existence that they should invade the hunting grounds of each other. During the very last year, it appears from the letter of the Secretary that the disbursements have been increased by the emigration of the Indians from the States of Ohio, Indiana, and Illinois, beyond the Mississippi. After thus crowding them together, you make them waste their scanty supply of game, by inducing them to destroy it without necessity, so that you may obtain their fur to gratify your appetite for luxury. In this situation, to which they have been reduced by our policy, the laws have provided that, when the cravings of hunger shall drive these children of the forest to your military posts, either on the frontier or in their own territory, they shall receive food; that, in order to preserve their existence, and enable them to live upon the circumscribed limits within which they have been driven, they should be taught agriculture, and receive the implements of husbandry; that, when their chiefs think proper to visit your metropolis, you will enable them to do so by paying their expenses, and thus manifest to them the extent of both your power and your friendship. In short, all the other provisions which our laws and our treaties have made for them, and which I shall not detail, are founded, not only in the strictest justice, but in the wisest policy.

Did Congress intend, by the mere act of appropriating $100,000 for the current expenses of the last year, that the head of a Department should alter the laws of the land, and that he might at his will declare what part of the Indian system should be in force, and what part should be considered as repealed? Was it, for example, their determination that no treaties should

be held with the Indians, however necessary they might have been, because the Secretary had thought proper to apply the whole of your appropriations to other objects? This never could have been their intention. Congress alone have the power of changing this system of policy. Whenever they think proper to do so, by unequivocal legislative acts, then, and not till then, does it become the duty of Executive officers to obey. They dare not sooner neglect to carry existing laws and treaties into effect.

Suppose the Secretary had thought proper materially to alter our policy towards the Indians, and the first information you heard of the change was, as it probably would have been, the howl of savage warfare around your borders, and the shrieks of helpless women and children under the scalping-knife! Could you then have justified his conduct? Would you then have told him that he had the power of altering the whole system, because a sufficient appropriation had not been made to keep it in motion till the end of the year? And this, too, when the very sentence before the appropriation of $100,000 provided that $130,205.44 should be drawn from the Treasury, to cover past arrearages in the Indian department? The legitimate meaning of a reduction in the appropriation was not to destroy any part of our policy towards the Indians, but to warn the Secretary to use the strictest economy in carrying every part of it into effect. It has produced that happy result. He has informed you that the expenses of the present year will not exceed $150,000. This sum is upwards of $85,000 less than, upon an average, was appropriated to the same purpose, in each year, from 1815 to 1820, both inclusive. It was but a few thousand dollars more than was expended for the use of the same department for each of the two last years of Mr. Jefferson. In the meantime our relations with the Indians have been greatly extended with our extending frontier, and we have become acquainted with tribes, of which before we had never even heard the names. This great curtailment of expense places the character of the present Secretary, in this particular, upon an exalted eminence; and the more so, as it is well known that not one cent more of money was expended by the administration of Mr. Jefferson than was necessary to accomplish its objects.

But suppose, for the sake of argument, that the Secretary ought to have inferred from your appropriation bill, that you intended he should change the Indian system, still, we should vote the $70,000 to supply the deficit. If we do not, we require that he should have performed miracles.

This system has been in constant and in vigorous operation since 1802. For six years before the passage of the last appropriation bill, its average annual expense had been more than $235,000. That bill did not pass until the 3d of March. Before that time, it has not been alleged that there had been a whisper of disapprobation against the former appropriations for the Indian department. On the contrary, during that period, $200,000 at least had been appropriated every year; and, in addition, large deficiencies had been supplied without a murmur. The Secretary, acting under a firm conviction that the same system would be pursued, had taken the measures necessary to continue its motion for another year, some time before the passage of the bill. The places at which the money was principally to be expended, were agencies upon the borders of your vast empire, far beyond the utmost limits of civilization. The distance to many of them is so remote, and the communication so precarious, that the Secretary has informed you they cannot be heard from more than twice, and often but once, in the whole course of the year.

Could the motion of this vast machinery be at once suspended? In the beautiful language of the gentleman from South Carolina (Mr. Lowndes), it had received its impulse before the passage of the bill, and the momentum could not be withdrawn from it in a shorter period of time than one year. To require the Secretary, therefore, to stop it immediately, would have been asking him to do that which was utterly impossible.

These, Mr. Chairman, are the remarks which I conceived it to be my duty to make on the subject now before the Committee. I have, personally, no feeling of partiality for the Secretary of War, nor of prejudice against him. I view him merely as a public character; and, in that capacity, I conscientiously believe, that, upon the present occasion, he has done his duty, and acted in the only manner in which he could constitutionally act. In my opinion, therefore, he deserves applause instead of censure.

One other view of the subject, Mr. Chairman, and I shall have done. In whatever light the conduct of the Secretary may appear, still the deficit ought to be supplied. This case does not require such an argument; but suppose, for a moment, he had acted improperly, is this one of those extreme cases—for, I admit, that such may possibly exist—in which the House should withhold an appropriation to supply a deficiency? Will any gentleman say, that individuals who have fairly and honestly entered into contracts with your Secretary of War, on the faith of the Govern-

ment, shall suffer? Surely you would not impose the task on every person who binds himself by agreement, to perform services for the Government, to inquire whether the appropriation made by Congress justified his employment. If you did, he then becomes responsible—for what, in the nature of things, cannot be within his knowledge. To enable him to ascertain whether he might safely contract with the head of one of your Executive Departments, he should be informed not only of the amount of appropriations, but in what manner their expenditure has proceeded, and is proceeding, in every part of the Union. It would be crying injustice to inform the men who have abandoned civilized life, and undergone all the dangers, the hardships, and the privations of dwelling among savages in the wilderness, for the purpose of promoting the interest and the glory of their country, that they shall receive no compensation for their services, because the Secretary who employed them has exceeded his appropriation. This would be making the innocent suffer instead of the guilty. If, therefore, there has been any impropriety in the conduct of the Secretary, as some gentlemen have insinuated, but which I utterly deny, it is a question which should be settled between you and him, and one in the decisions of which the rights of the persons employed under his authority ought not to be involved. Indeed, no gentleman has yet said these men ought not to be paid out of the public Treasury. Why, then, considering this question in every point of view in which it can be presented, is there any objection against voting $70,000 to supply the deficiency in the appropriation of the last year? I hope it will pass without further difficulty.[1]

RESOLUTION AND REMARKS, JANUARY 24, 1822,

ON MILITIA FINES.[2]

January 24, 1822, Mr. Buchanan submitted for consideration the following resolution:

Resolved, That a committee be appointed, whose duty it shall be to inquire and report to this House the causes why no part of the sum of $243,609.41, the amount imposed as fines by courts-martial held under the

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[1] January 11, 1822, the debate continuing, Buchanan made some remarks in opposition to a motion to postpone consideration of the bill till certain information should be obtained from the Secretary of War. (Annals of Congress, 17 Cong. 1 Sess. 1821–1822, I. 704–708.)

[2] Annals of Congress, 17 Cong. 1 Sess. 1821–1822, I. 787–789.

authority of the United States on militiamen within the Commonwealth of Pennsylvania, for delinquencies which occurred during the late war with Great Britain, has yet been received into the Treasury; how much of the said sum has been collected from the delinquents by the late marshal and the present marshals of Pennsylvania, and their deputies, respectively, and what are the names and places of residence of such deputies; how much of the money collected remains in the hands of the deputies, and how much has been paid over by them to their respective principals; who are the sureties of the late marshal John Smith, and of his deputies, respectively; what is the amount of each of their bonds, and what is the prospect of recovering the whole or any part of the money remaining in their hands; what causes have heretofore prevented the institution of suits against the said John Smith, his deputies, and their sureties, to recover the militia fines retained by them, respectively; and under what authority, by whom and to whom, the sum of $41,531.77 has been paid out of the said fines to defray the expenses of the courts-martial by which they were assessed.

In offering this resolution, Mr. Buchanan said, that a sense of duty, and not a desire to give trouble and cast reflections upon any officer of this Government, compelled him to bring before this House the subject of the collection of militia fines from delinquent militiamen in Pennsylvania. He would, he said, state the facts connected with it, and which were so many reasons why the resolution should pass, without doing more at the present time. The State of Pennsylvania during the late war furnished her full proportion of men and of money to the General Government to enable them to carry on the contest. She furnished more than her quota of volunteers and militia. It however happened, that, owing to the pious and peaceful habits of the people of that State, conscientiously scrupulous of bearing arms, there occurred, in obtaining the number of men required by draught, a great number of delinquencies; which were more than made up by volunteers. It followed, therefore, that while Pennsylvania, as a State, can with pride and with pleasure declare that she fulfilled, in the most ample manner, all her federal obligations, yet there was a very large proportion of her citizens fined as delinquent militiamen. From the letter of the Secretary of War, of February 14, 1821, it appeared that out of nine States, on the citizens of which militia fines were assessed, and from eight of which returns have been received, the fines assessed on citizens of Pennsylvania amount to a larger sum than all the fines assessed on the citizens of seven of the States:

The assessment on Pennsylvania amounted to.....$243,609.41
On New Hampshire, New York, Maryland, Virginia,
Ohio, Kentucky, East Tennessee, West Tennessee, to 240,076

These fines were assessed, chiefly, if not altogether, within the years 1813, 1814, and 1815; and, strange and wonderful as it may appear, not one cent of that large amount assessed on citizens of Pennsylvania has yet reached the Treasury of the United States. It is within my knowledge, said Mr. B., that very large sums of this money have been collected by the deputy marshals, and much distress has been spread over the country in levying these fines from the poorer classes of the citizens within our State. It is very natural that every State in the Union, particularly Pennsylvania, should be anxious to have the darkness which hangs over this subject dispelled, and the guilty agents exposed to the light of day. It is possible that by an investigation something may be obtained; if not, the authors of the shameful frauds which have been perpetrated will be dragged from the concealment in which they now lurk. On the 4th of December, 1820, at the instance of a gentleman from Pennsylvania, a resolution was passed by this House calling on the Secretary of the Treasury for information on the subject, which for some cause or other remained unanswered, but on the 2d of January, 1821, was renewed. And, said Mr. B., what answer has been given to it? It consists of six clauses, answers to which would embrace all the information we desire. The answer to the first is a letter from the present marshal, which Mr. B. read; from which, he said, it appeared, that almost three years had been suffered to expire since this communication, and it does not appear that any measures have been taken to secure the books and papers.

The department could therefore communicate no information on the subject. The second query, how much money had been received into the Treasury, on account of these fines, was easily answered; not a cent had been received. The third query the department is unable to answer, except that $3,671.30 in the hands of the present marshal, and $2,546.60 in the hands of Lewis Deffebach, one of his deputies in Bucks county. The fourth query, as to the names of the deputies and the sureties of the late marshal, was not answered. Indeed, it appeared that the department never either inquired or knew who were the sureties of the marshal, or who were his deputies or sureties. It appeared, further, that no action had ever yet been instituted against the late marshal or his deputies on these bonds, except against one of the deputies. The object, therefore, Mr. B. said, of his resolution, was to obtain the information which the former vote of the House had failed to procure, &c.

The motion of Mr. B. was agreed to, and Messrs. Buchanan, Moore of Pennsylvania, Nelson of Maryland, Durfee, and Rich, were appointed the committee.

The committee reported, April 25, 1822.[1] It is not stated by whom the report was drawn, but it probably was done by Mr. Buchanan. It covers 15 printed pages, and recommends the adoption of a resolution to the effect that the uncollected militia fines due from delinquents in the State of Pennsylvania which had been assessed by courts-martial, and all fines collected by the late or present marshals of Pennsylvania, or their deputies, which had not been paid into the Treasury of the United States or applied to the payment of the expenses of courts-martial, be transferred to the State of Pennsylvania, with full power to collect them. The report referred to the subject as one involved in "mystery," on account of the total neglect for so long a time of the proper public officers to give it attention. The committee's recommendation appears to have been in accord with a resolution of the legislature of Pennsylvania, passed on the 29th of March. The report stated that there could be no doubt that the President possessed the power to call forth the militia, and that the federal government had a right to the fines assessed on individuals as a punishment for disobeying such a call, but it was argued that Pennsylvania had furnished during the war more than the number of militia required for the service of the federal government; that of the men thus furnished a considerable proportion were volunteers; that, in procuring the residue by draft, the number of delinquents was so great that the fines assessed amounted to the sum of $346,367; that, as the State of Pennsylvania had more than complied with all her federal obligations, it would be unjust to collect in addition the large sum above stated; that the federal officials would in any event be able to collect probably only a small amount from the delinquents who were scattered over the surface of an extensive State; that the State might be able, through its county officers, to collect a small proportion of the fines, and that a relinquishment to her would be a benefit to the State without doing any injury to the United States. It was also pointed out that the act of Congress of 1795, although it provided for the punishment of delinquent militiamen by courts-martial, did not specify how such courts should be organized; that the militia law of Pennsylvania supplied this defect, and that the fines were therefore assessed by virtue of the joint operation of both acts; that, in the opinion of the President, as shown by a letter of the Secretary of State to the authorities of Pennsylvania of April 14, 1818, the power of remitting the fines in question was not in fact vested in him, but in the governor of Pennsylvania; that the governor had uniformly exercised this power, and that the fines in question might at any time all be remitted by him.

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[1] House Report 97, 17 Cong. 1 Sess.

SPEECH, MARCH 12, 1822,

ON THE BANKRUPTCY BILL.[1]

MR. SPEAKER: Before the amendment proposed by the gentleman from Kentucky had obtained the sanction of this House, the question whether the bill should be engrossed for a third reading was one of very great importance. That question has, however, dwindled into insignificance compared with the one at present under consideration. We are now called upon to decide the fate of a measure of awful importance. The most dreadful responsibility rests upon us. We are not now to determine merely whether a bankrupt law shall be extended to the trading classes of the community but whether it shall embrace every citizen of this Union and spread its demoralizing influence over the whole surface of society.

The amendment which has been adopted to-day makes it my imperative duty, even at this protracted period of the debate, to trespass upon the patience of the House. I have the honor in part of representing an honest, a wealthy, and a respectable, agricultural community. I owe it to them, to my conscience and to my God not to suffer this bill to pass, which I conceive to be now fraught with destruction to their best interests, both moral and political, without entering my solemn protest against its provisions.

We have heard it repeated over and over again by the friends of a bankrupt bill that it should be confined to the mercantile classes. One of the principal arguments urged in its favor by its eloquent supporters, was that merchants from the nature of their pursuits were exposed to the vicissitudes of fortune more than other men, and that, therefore, their situation required a peculiar system of laws. That in this country their fortunes had not only been exposed to the dangers commonly incident to their profession, but that the commercial regulations of the government, the embargo, the non-intercourse laws, and, finally the war, had brought ruin upon thousands. It was, therefore, inferred that Congress were under a moral obligation to pass a bankrupt law for their relief.

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[1] Annals of Congress, 17 Cong. 1 Sess. 1821–1822, II. 1281–1297. Buchanan, in an autobiographical sketch given in the last volume of this publication, says: "This was one of the best speeches I ever delivered in Congress. . . . I was replied to by Mr. Wright of Maryland, when the question was taken by ayes and noes and decided against the bill by a vote of 99 to 72."

The policy of all the modern commercial nations in the world was presented before us for our imitation; England, France, Scotland, Ireland, Holland, and Spain, we had been told, each extended a bankrupt law to the merchant, and absolved him from the payment of his debts upon certain conditions. Indeed, a great portion of the argument consisted in drawing a line of distinction between traders and the remaining classes of society.

Judge then, Mr. Speaker, of my astonishment when, to-day, I found those very gentlemen voting in favor of introducing an amendment extending the provisions of this bill to every individual in society who might ask to become its object.

Will you pass a bankrupt law for the farmer? Will you teach that vast body of your best citizens to disregard the faith of contracts? Are you prepared to sanction a principle by which the whole mass of society will be in danger of being demoralized, and it will be left to an election by every man's creditors, in which a majority of two-thirds in number and value, against the consent of the remainder, shall have the power of discharging him from the obligation of all his contracts? Surely the House of Representatives are not prepared to answer these questions in the affirmative. No nation in the world, whether commercial or agricultural, whether civilized or savage, has ever for a moment entertained the idea of extending the operation of their bankrupt laws beyond the class of traders. Fortunately for our constituents, we have not the power of doing so. The Constitution correctly expounded has proclaimed, "hitherto shalt thou go, but no farther." Nothing but a desperate effort to revive this expiring bill could have ever induced its friends to have adopted the amendment which has just now been carried.

In the discussion of this question, I can assure the House, it is not my intention to travel over the ground which has been already occupied, or to repeat the arguments which have been already urged.

The subject naturally divides itself into two questions—the one of Constitutional power, the other of policy. On the first, as the bill stood before the introduction of the last amendment, I had not a single doubt. Much as I would have deprecated the passage of the then bill, I should have been infinitely more alarmed if this House had determined that the enactment of such a law transcended the constitutional power of Congress. Upon this branch of the subject, the ingenious arguments of the gentleman from Virginia had not created a doubt in my mind. Where

doubts before did exist, the argument of the gentleman from South Carolina (Mr. Lowndes), and of my honorable colleague (Mr. Sergeant) were, in my opinion, calculated entirely to remove them, and to carry conviction to every understanding.

A new question of constitutional power has now arisen on the amendment. The Constitution declares that "the Congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States." To this provision I am willing to give a fair and a liberal construction. Congress have the power to discharge from their debts on the terms prescribed by the bill, all persons upon whom a law emanating from this clause of the Constitution may legitimately act. But can Congress make a law extending the penalties and the privileges of a bankrupt system to every individual in society? Can they embrace in its provision the farmer, the clergyman, the physician, or the lawyer? Such a proposition was never seriously contended for before this day.

By considering the meaning of the term *bankrupt*, we shall be able at once to solve the difficulty. In adverting to its origin, we find the literal signification of the word to be a broken counter, which by a figure of speech has been applied in our language to a broken merchant. In the commercial laws of all the nations of the continent of Europe, bankruptcy is confined to merchants in the strictest sense of the word. The operation of the bankrupt laws of England has been extended by judicial construction somewhat further, and they now embrace within their grasp, not only the merchant properly so called, but all persons who are traders, and are concerned in buying and selling any kind of merchandise, unless they have been expressly excepted by some positive legislative provision. This exposition of the law extends not only to those who sell any commodity in the same state in which they purchased it, but also to the manufacturer and the mechanic who bestow upon it their labor and their skill, and thus render it more valuable. The bill, as it formerly stood, confined itself strictly within this range. Indeed, it was more circumscribed as to the persons on whom it would have operated than the bankrupt laws of England.

I am willing, then, to expound the power of Congress upon the subject liberally. In construing the Constitution, Congress ought not to be fettered by nice technical rules. I admit that they have the power, whenever they think proper to call it into exercise, of establishing a system of bankruptcy which shall embrace

all persons who have ever been embraced even by the bankrupt laws of England. Further than this they cannot proceed, without extending the plain meaning of the word, *bankruptcy,* as it has been received by every commercial nation of Europe, and violating both the letter and the spirit of the Constitution.

In making this admission, I am sensible that many may suppose I am giving a latitude of construction to the instrument which is not warranted by its spirit.

The authority "to establish uniform laws on the subject of bankruptcies throughout the United States," is contained in a clause of the Constitution, which immediately follows that "to regulate commerce with Foreign Nations, and among the several States, and with the Indian tribes." The power over bankruptcy evidently originated from, and is closely connected with that over commerce. This commerce which Congress has the power of regulating, is chiefly, if not exclusively, conducted by merchants, in the strictest sense of the term, and principally by that class of them denominated importers. They are the men most exposed to the vicissitudes of trade, and, on that account, are more properly the object of such a law than people of any other description. It might, therefore, with much plausibility, be contended, that the power of Congress over bankruptcy is confined to that description of merchants.

Another argument, which would give additional strength to this construction, arises from the general spirit of the Federal Institutions. They do not propose to embrace the internal policy of the States. The jurisdiction of the federal courts is confined by the Constitution to controversies between citizens of the different States, and between foreigners and citizens of the United States. To such suits the merchants who carry on the intercourse with foreign nations, and between the different States, are most generally parties.

The object which I have in view in using these arguments, is not to prove that the constitutional power of Congress is confined to such merchants, but to show that it is contrary to the nature and the spirit of our government to extend it to all classes of people in the community. The bill as it stood before the amendment, went quite far enough. It would even then have brought the operation of the law, and the jurisdiction of the federal courts into the bosom of every community. The bill, however, as it now stands, if it should pass, will entirely destroy the symmetry of our system, and make those courts the arbiters,

in almost every case of contract to which any member of society, who thinks proper to become a bankrupt, may be a party. It will at once be, in a great degree, a judicial consolidation of the Union. This was never intended by the framers of the Constitution. Some of the terrible evils which would flow from such a system, I shall have occasion to delineate, when I come to speak of the policy of its adoption.

Before, Mr. Speaker, I proceed to expose to the view of the House those objections against this bill which have presented themselves with peculiar force to my mind, permit me to answer some of the principal arguments which have been urged in favor of its passage. My friend and colleague from Pennsylvania, in his concluding speech, has made such a clear, forcible, and eloquent argument in favor of the bill, that I fear it has produced a considerable effect. Upon this occasion he was listened to, as he always is, and always deserves to be, with the most profound attention. It is painful to me to be under the necessity of differing from him in opinion, and when I do so, I am almost inclined to distrust my own judgment. Nothing, therefore, but an imperative sense of duty could have induced me to take any part in the debate upon the present occasion.

It has been urged that, as the framers of the Constitution gave to Congress the power of passing a bankrupt law, we are bound to put that power into practical operation, and not suffer it to remain dormant.

In answer to this argument I would reply, that power and duty are very different in their nature. Power is optional, duty imperative. The language of power is that you may, that of duty you must. The Constitution has, in the same section, and in the same terms, given to Congress the power to declare war, to borrow money, to raise and support armies, &c. Will any gentleman, however, undertake to say, we are under an obligation to give life and energy to these powers by bringing them into action? Will it be contended that, because we possess the power of declaring war and borrowing money, that we are under a moral obligation to embroil ourselves with foreign Governments, or load the country with a national debt? Should any individual act upon the principle that it is his duty to do everything which he has the legal power of doing, he would soon make himself a fit citizen for a madhouse.

Power, whether vested in Congress or in an individual, necessarily implies the right of exercising a sound discretion.

The Constitution was intended not only for us, and for those who have gone before us, but for generations yet to come. It has vested in Congress ample powers, to be called into action whenever, in their sound discretion, they believe the interest or the happiness of the people require their exertion. We are, therefore, left to exercise our judgment on this subject, entirely untrammelled by any Constitutional injunction.

It has been said that the passage of such a bill as the one now before us is necessary, on account of the numerous frauds which are perpetrated under the insolvent laws of the States, and the preference which they authorize a failing debtor to give to particular creditors.

For the forcible manner in which this argument has been urged, one would be induced to suppose that the legislative authority of the States, upon this subject, had been entirely prostrated by the decision of the Supreme Court of the United States, in the case of Sturges *vs.* Crowninshield. This is, however, altogether a mistake. The citizens of the States have not been left exposed to the mercy of fraudulent debtors. They can look to their own legislatures for relief. Their power to pass bankrupt laws is as ample within their several States as that of Congress, with one single exception: which is, that such laws shall not contain a provision "impairing the obligation of contracts." This tremendous power the people have decreed that the States shall not exercise. With the exception, therefore, of that portion of this bill which discharges a bankrupt from his debts, the Legislatures of the several States might, if they thought proper, enact all its provisions. They have the same power to pass every law for the prevention and punishment of the frauds of insolvent traders which Congress possess. They can equally annul all preferences which a failing debtor may give to a favorite creditor, whether by deed of trust, by judgment, or in any other manner. This principle is expressly recognized in the opinion of the Supreme Court of the United States in the case which I have cited. There is then no necessity that Congress should interfere for the purpose of securing the creditor; yet this has been urged as one of the principal reasons in favor of the passage of a bankrupt bill.

It cannot be denied that many of the States have neglected to exercise the authority which they fully possess over this subject. In the State, one of whose representatives I have the honor to be, a failing debtor of every description possesses too much

power in the distribution of his property. He may, if he chooses, secure one creditor at the expense of all the rest. He is the sole judge of the propriety of any preference which he may think proper to make. The Legislature of that, and of every other State where a similar evil exists, can however apply the remedy, if they think proper. Why then has it been urged upon us, that it is absolutely necessary Congress should pass this bill, to secure creditors against the frauds and the preferences which exist under the insolvent laws of the States, when the States themselves possess ample powers to attain the same ends?

It has been said, truly, that Congress alone can pass a bankrupt law which will be uniform over the United States. But, I would ask, whether the benefits resulting from the uniformity which the law must possess would not be more nominal than real, whilst, on the other hand, it would be a source of the most serious inconveniences? Is it correct legislation to force upon the citizens of one State a system of internal policy, deeply affecting the rights of creditor and debtor, which may be ruinous and demoralizing to them, because it may promote the prosperity of another State? All laws should be adapted to the character and to the habits of those on whom they are designed to operate. Upon this principle of uniformity, which must be introduced into any bill that you have the power of passing, you are obliged to adapt your citizens to the law, not the law to your citizens. Will any gentleman say, that the same internal political regulations, respecting creditor and debtor, should exist in each of the States composing this vast Union? For example, would the same laws be suited to the manners and to the habits of the citizens of Louisiana which might be beneficial in the State of Maine? This necessity for uniformity, in legislating upon the subject of bankruptcy, reminds me of the bed of Procrustes. He made every person of every size fit it. If they were too long for its dimensions, he lopped off their limbs; if too short, he stretched them to the proper length.

The uniformity which must exist in any law that we have the power of passing, shows, in a forcible point of view, the propriety of State legislation upon the subject, in preference to that of Congress, it will be better adapted to the peculiar habits of the citizens of the respective States.

It has been urged, as an objection to State legislation, that, as they can pass no law impairing the obligation of contracts, they cannot discharge a bankrupt from his debts. This is certainly true. If, therefore, it be deemed proper that the States

should possess that power, it can be bestowed on them by an amendment to the Constitution.

On this part of the subject I am much obliged to my honorable colleague for the clear and forcible distinction which he has drawn between contracts, and the means of enforcing them—between rights and remedies. This distinction is also precisely marked in the opinion of the court in the case of Sturges and Crowninshield. The States, it is true, cannot impair the obligation of a contract, but they possess a discretionary power, to a considerable extent, in modifying the remedy of the creditor. I have been informed that no species of execution in Rhode Island will touch the debtor's real estate, yet the law of that State, in this respect, has never been supposed to be unconstitutional. Why then might not the States, if they thought it politic, declare, that, after a debtor had fairly relinquished all his property for the benefit of his creditors, in such a manner as might be directed by law, their process of execution should not be used by a vindictive creditor against the acquisitions of his debtor for a certain number of years, and then only against a part of them, and for the common benefit of all the creditors? If such a provision, or one of a similar nature, be Constitutional—and I confess I can perceive no reason, founded either upon principle or precedent, sufficient to convince me that it would not—the States already possess the power of relieving an honest bankrupt to a considerable extent. This is, however, a delicate subject, on which I wish to express no decided opinion. How far a State may proceed constitutionally, in controlling the process of her own courts, has never yet been determined. The precise point, at which the power of regulating the process would interfere with the prohibition against impairing the obligation of the contract, will be difficult to ascertain.

The advocates of this bill have presented it to us in the garb of a political experiment. Say they, its duration is limited to the term of three years. It must then die, unless its existence shall be prolonged by the joint act of all the legislative departments. Its enemies, therefore, ought not to apprehend serious evils from its enactment.

In answer to this suggestion, it may be observed, that legislative experiments should be tried with extreme caution. An act may expire in three years by its own limitation; you may repeal it at the end of one, should its operation be found injurious, but yet its pernicious influence may last for ages. If,

by expunging a law from your statute book, you would efface its effects from the human mind, or withdraw its influence from the human character, then, indeed, experiments in politics would be as harmless as those in philosophy. This, however, is not the case. We all agree that the bill, if it should pass, is what may, with propriety, be called a strong measure. It is not a mere theory. Its effects upon society will be immediate, and either good or evil to a great extent. Whether, therefore, it shall continue but three years, or be perpetual, ought not much to influence the decision of the question.

The experience of other countries, respecting bankrupt laws, has been introduced into this argument by the friends of the bill, for the purpose of furthering their views, whilst, on the other hand, its enemies have contended, that the practical operation of the bankrupt law of England, and of that one which heretofore existed in this country, present powerful reasons against the passage of this bill. Into this controversy I will not enter, because the subject has been already fully discussed. There is, however, one event in the history of Pennsylvania which speaks volumes against the passage of this bill. On the 13th March, 1812, the Legislature of that State, after much solicitation, passed a bankrupt or insolvent law, under the provisions of which debtors were to be relieved from the obligation of their contracts. The operation of this act was confined to the city and county of Philadelphia. It was there that the commerce of the State was chiefly conducted, and it was there the merchants resided who were most liable to be ruined by the fluctuations of trade. If there ever was a place where a fair experiment could have been made of the effects of such a law, Philadelphia was peculiarly that place. What was the consequence? The act would have expired by its own limitation on the 1st of April, 1814, but it was not suffered to exist one month beyond the next meeting of the Legislature after its passage. It was repealed on the 21st December, 1812. I am now informed, by my colleague, (Mr. Brown,) who was then a member of the Legislature, that the representatives from that district, who, but a few months before, had strained every nerve to procure the passage of the bill, were the most active in obtaining its repeal. On the very first day of the session they presented a great number of petitions from their constituents, praying that the law might no longer be suffered to exist. Such were its baneful effects in so short a period of time. Whilst on this part of the subject I will merely

add, that this law was repealed long before the Supreme Court of the United States had decided that the States had not the power of introducing into a bankrupt law a clause discharging the bankrupt from his debts. Before this decision was made, the Supreme Courts, both of New York and Pennsylvania, had held a contrary doctrine.

I shall now proceed to lay before the House my objections to the passage of this bill. As it now stands, certain classes of society are exposed to its adverse operation upon the commission of any of the acts of bankruptcy described in its first section. Every individual in the community, including those embraced by the bill previous to the late amendment, may become voluntary bankrupts.

It will be necessary here briefly to inquire who may be declared bankrupts against their will. The adverse operation of the law will not be confined to wholesale and retail merchants, strictly speaking, and to dealers in exchange, bankers, brokers, factors, underwriters, and marine insurers. By the construction which has been placed upon the words, "other person actually using the trade of merchandise, by buying and selling in gross or by retail," not only every dealer in any article, but every manufacturer or mechanic who purchases any material, bestows his skill and labor upon it, and sells it in its improved state, falls within the compulsory branch of this bill, unless expressly excepted by the proviso in its first section. Thus, the distiller who purchases grain, converts it into whiskey and sells the whiskey, would clearly be within its operation. The miller, also, who buys wheat and sells it converted into flour, may be declared a bankrupt against his will. These cases are cited only as examples to illustrate the general rule. Each individual member can imagine many others.

I will now proceed to that which strikes my mind as a radical objection to the existence of this or any other adversary bankrupt bill in the United States. It arises from the nature of our free institutions, and is one that exists in no other country on the globe. It springs out of the best principles of the Federal Constitution, and it cannot be removed without expunging them from the instrument.

In what manner is a person to be declared a bankrupt by the bill now before the House? On the petition of any creditor, accompanied by an affidavit of the truth of his debt, the circuit or district judge of the United States is authorized to issue a commission of bankruptcy. The alleged bankrupt may, however,

appear before the commissioners, deny that he has committed any act of bankruptcy, and demand a trial by a jury of his country, before the judge who issued the commission. This is a right of which he cannot be deprived by the power of Congress. In the emphatic language of the Constitution, "he shall not be deprived of his life, his liberty, or his property, without due process of law."

This trial before the circuit or district judge may and probably will, in a majority of cases, be delayed for years before its final termination. In free governments we cannot move with the celerity of despotism. During its pendency, what becomes of the property of the alleged bankrupt? He cannot be dispossessed of it under the Constitution of the country, or by the provisions of this bill, until the jury shall have convicted him of some one of the acts of bankruptcy described in its first section. But, although it cannot be wrested from him until after the event, yet the moment the commission issues, he, in effect, loses all control over his estate. The reason of this is, that by the provisions of the bill all intermediate dispositions made by the debtor of his property are absolutely void, should he finally be declared a bankrupt. No person, therefore, could with safety in the meantime enter into any contract with him, or purchase any part of his estate. From the very nature of an adverse bankrupt system, this must necessarily be the case. If it were not, every man charged with having committed an act of bankruptcy would demand a trial by jury before the district or circuit judge of the United States, so that during its pendency he might have an opportunity to dispose of his property as he thought proper. This would be giving a legal sanction to the very evil which the friends of the bill say it is chiefly intended to remedy.

What, then, is the situation in which the bill places every man within its adverse provisions? Any of his creditors or pretended creditors, by making an ex parte affidavit of the truth of his debt, without ever proving by his own oath or otherwise any act of bankruptcy against him, may bring upon him inevitable and overwhelming destruction. If envy or malice against him rankles in the soul of any enemy who either is his creditor, or who will swear that he is, that enemy may wreak his vengeance to the full extent of his wishes, by having a commission of bankruptcy issued against him. The commission itself would be the death-warrant of his property, notwithstanding his property may have been sufficient to discharge his debts, and he may have been guilty

of no act of bankruptcy. If he submits to the commission, his credit is gone, and his power of exertion is at an end until he shall have obtained his final discharge. If he does not, and demands a trial, he is, during its pendency, in the situation of Tantalus in the infernal regions. Although he may be surrounded by all the comforts of life, and the means of extricating himself from his difficulties, he has not the power of using them. If he should be a merchant, his counting-house must be closed, and his capital remain idle, awaiting the result of a tedious lawsuit. If he be a farmer who has carried on a distillery, or who has been a miller, or retail merchant, he cannot dispose of an acre of his land, or any of his personal property, until the controversy is determined. Whether, therefore, he submits to the commission, or does not, if he be an honest man, he is exposed to inevitable ruin. If he be a fraudulent debtor, the delay of the trial will afford him ample time and opportunity to secrete his property, and place it beyond the reach of his creditors; and in this situation he will have the strongest temptation to be guilty of fraud.

The bankrupt law of England, the model from which the present bill has been drawn, provides an effectual remedy for this evil. It is one, however, which we have no constitutional power to adopt; and if we had, it would be repugnant to every feeling of the hearts of freemen. In that country the bare issuing of the commission is itself equivalent to an execution.

The debtor is at once deprived of the possession of all his property, and it is vested in the commissioners. Although he may declare that he has never been guilty of an act of bankruptcy, and petition for a trial, he petitions in vain. The iron hand of the law is upon him, and no innocence can elude its grasp. In that country the law declares that "caveats against commissions are not allowed, for they give too much time to a fraudulent debtor." The proceedings under it resemble those of the judges in the infernal regions, who first condemn and afterwards hear. They first deprive a man of all his property by virtue of the commission, and after the evil has been done, allow him to apply to the chancellor to have it superseded.

From the nature of those governments on the continent of Europe, under whose dominion bankrupt laws prevail, and from the peculiar character of those laws, and of the commercial tribunals by whom they are administered, the same evils do not exist. I will not exhaust the patience of the House by detailing their different provisions.

It may be said that, as the bill provides that the petitioning creditor, before the commission can issue, shall give bond to be taken by the circuit or district judge, in such penalty and with such surety as he may direct, conditioned that the obligor shall prove the debtor to be a bankrupt, he will be enabled to recover damages to the extent of any injury which he may sustain in case the condition of the bond should be violated.

This remedy, from its nature, could be no compensation for the injury sustained. To inform a man, after he had been arrested in the pursuit of his business by a commission of bankruptcy, after his prospects in life had been blasted, after his credit had been destroyed, and after he had been pursued for years in a course of litigation which had terminated in his favor, that he might then enter upon another law-suit, and bring his action upon the bond, would be laughing at his calamity. This would present no prospect of indemnity, even if the obligors should be solvent; but from the ignorance of the judges, so far removed from the people, as those of the United States necessarily are, respecting the solvency of the sureties; and from the lapse of time which must transpire before any suit could be sustained upon the bond, it would in most instances be of little or no value.

These, then, would be the effects of the bill on the persons within its adverse operation.

Let us next inquire what would be the moral and practical effects of this bill, with the amendment just adopted of the gentleman from Kentucky. Should it pass in its present shape, I shudder at the consequences. How will it affect the great agricultural interest of the country? I have the honor, in part, to represent a district chiefly composed of farmers. They are honest, they are industrious, and they esteem their contracts to be sacred and inviolable. The word of most of them, could their existence be perpetuated, binds them as forcibly as their bond. Have they, or have any other agriculturists over the whole range of this extensive Union, asked you to pass a bankrupt law in their favor? Have they ever petitioned you to discharge them from the obligation of their contracts, which they feel themselves as much bound in conscience as in law to perform? It is certain that many honest and respectable men of that valuable class of society have been unfortunate, and I pity them from my inmost soul; but I beseech you, spare them from a law for which they have never asked, and which would tempt them to add guilt to misfortune.

What then would be the necessary operation of such a law, when brought home to them and to every other member of society? Once declare that contracts shall be no longer sacred; that any debtor, whether he has been a trader or not, by complying with the provisions of the law, may have an election held by his creditors, and if two-thirds of them in number and value consent, may be relieved from all his debts against the will of the remainder; and you make a direct attack on the very first principles of moral honesty, by which the great mass of the people have been hitherto directed. Let a bankrupt be presented to the view of society, who has become wealthy since his discharge, and who, after having ruined a number of his creditors, shields himself from the payment of his honest debts by his certificate, and what effects would such a spectacle be calculated to produce? Examples of this nature must at length demoralize any people. The contagion introduced by the laws of the country, would, for that very reason, spread like a pestilence, until honesty, honor, and faith will at length be swept from the intercourse of society. Leave the agricultural interest pure and uncorrupted, and they will forever form the basis on which the Constitution and liberties of your country may safely repose. Do not, I beseech you, teach them to think lightly of the solemn obligation of contracts. No government on earth, however corrupt, has ever enacted a bankrupt law for farmers; it would be a perfect monster in this country, where our institutions depend altogether upon the virtue of the people. We have no constitutional power to pass the amendment proposed by the gentleman from Kentucky; and if we had we never should do so, because such a provision would spread a moral taint through society which would corrupt it to its very core.

There is another point of view in which this bill, in its practical effects, would be intolerable. The jurisdiction of federal courts over citizens of the United States is now chiefly confined to controversies existing between the citizens of different States. This bill, if it should become a law, will amount to almost a judicial consolidation of the Union. The litigation which will arise out of it, and which, by its provisions, must be exclusively determined by the federal courts, will embrace a large portion of the citizens of every State, either as parties or witnesses.

The numerous acts of bankruptcy described in the bill, many of which depend altogether upon the intention of the party charged with having committed them, would form the first ample source of exclusive federal jurisdiction.

By the fifty-sixth section it is provided that any creditor of a bankrupt, appearing before the commissioners, may, at his election, have the validity of his claim determined in the circuit court of the district in which the bankrupt resides. The same privilege is extended to the assignees objecting to the validity of any claim upon the bankrupt, presented before the commissioners; in this manner every lawsuit which could arise in the settlement of a bankrupt's estate, respecting the demands of any of his creditors, would be drawn into the circuit court for decision. This would be the case whether he became a bankrupt voluntarily or by compulsion, and without any regard either to his occupation or place of residence, or that of his creditors. The whole structure of the national judiciary would thus be changed. It would then possess jurisdiction, not only over controversies arising between citizens of different States, but over an immense number of those existing between citizens of the same State.

It would be tedious to enumerate, and perhaps impossible to foresee, all the controversies which, under the provisions of this bill, must exclusively be determined by the federal courts. The sixty-third section contains a sweeping clause upon this subject. It provides " that, except in the cases which are in this act otherwise specially provided for, if any bankrupt, or any assignee or assignees, creditor or creditors, or any other person, shall conceive himself, herself, or themselves, aggrieved by an examination, order, decision, denial, or other proceeding of the Commissioners, under any commission, or any act, proceeding, refusal, neglect, or omission of the bankrupt, or any assignee or assignees, or creditor or creditors, under, or by virtue of this act," such person may petition the circuit court, for the district where the commission issued, or either of its judges, for relief. The court, or the judge, is then bound to take cognizance of the complaint, and, at the election of either party, direct any facts in controversy to be tried by a jury.

In the State of Pennsylvania there are but two district courts of the United States, the one located in the city of Philadelphia, the other in the city of Pittsburg. The distance between these two places is three hundred miles. The inconvenience and expense to the people, from every section of the State of attending those two courts, as parties, and as witnesses, would be an intolerable grievance. Under the provisions of this bill, however, such attendance must necessarily be a matter of daily occurrence. The people are already sufficiently harassed, by being obliged to be

present at the courts within their own counties; but, if you compel them to travel to the federal courts, from one extremity of a large State to the other, it would be an evil scarcely to be endured. The same inconveniences will still exist in every other State in the Union, but they will be felt in a greater degree by the people of the larger States. This is another radical objection against the passage of a bankrupt bill by Congress. It is one which cannot be removed, because it results from the organization of the federal courts under the Constitution, and the allotment of judicial power between them and the courts of the several States. It demonstrates, however, that the power to pass bankrupt laws could be exercised by the States much more conveniently for the people, than by the General Government.

Another serious objection to the passage of the bill is its manifest tendency to increase the perpetration of fraud. It is true it has been strenuously maintained by its friends, that it will, in a great degree, repress that evil. Has the experience of England justified them in making this prediction? Does not the testimony which has been taken before the committee of the House of Commons prove clearly the contrary? Indeed so pressed down with its weight was my honorable colleague (Mr. Sergeant) that he was obliged to attribute the innumerable frauds which had been committed under the bankrupt law of that country, not to the operation of the law itself, but to the general corruption that prevailed among the people. This bill, should it become a law, must be productive of innumerable frauds, unless it will have the power of changing the nature of man, and rendering him the less criminal because he is the more tempted. He who created man, and therefore best knew his heart, directed him to pray that he might not be led into temptation. This bill informs the debtor that, if he will conform to its provisions, he shall obtain a certificate which will discharge him from all his debts. The State insolvent laws declare to him that, when he has given up all his property for the use of his creditors, he has done no more than his duty, and that his future acquisitions shall be answerable until his debts are paid. If a debtor can pass the ordeal of this bankrupt law, and obtain his certificate, he may then in security enjoy that property which successful fraud has enabled him to conceal. Under the State insolvent laws, however, he must know that the moment his concealed property is brought to light, it is liable to be seized by his creditors. Whilst, therefore, a bankrupt law holds out every temptation to make the debtor dishonest,

an insolvent law presents him no such inducement. Indeed, his true policy is directly the reverse. Upon his good and fair conduct, and the consequent favorable regard of his creditors, depend his hopes of a discharge.

It is true, that by this bill a bankrupt cannot obtain a discharge from all his debts, unless by the consent of two-thirds of his creditors in number and value. In theory this would appear to present a considerable difficulty in the way of obtaining a certificate. In practice, under the English bankrupt laws, it has been found more nominal than real. Indeed, but few instances have, I believe, occurred in the history of their bankrupt laws, in which consent has not been obtained. In this country, under our judiciary system, it would, perhaps, be still easier for the bankrupt to escape from his debts. He himself, if he be fraudulently disposed, can, by his own act, create as many creditors as he chooses. If the assignees or the other creditors think proper to dispute the claims of those believed to be fraudulent, they may insist upon having a trial by jury before the circuit court. Where the bankrupt has little or no property to divide, as would be the case in most instances, neither his assignees nor honest creditors would incur the expense and trouble of carrying on a lawsuit, perhaps a hundred miles from home, to disprove any debt presented before the commissioners. Even should they think proper to do so, it would be difficult to accomplish it, if the fraud had been conducted with any art; because, in the law, fraud is never to be presumed, but must be clearly proved.

The evils which would flow from the retrospective operation of this bill I shall not touch; they have already been ably and eloquently descanted upon by others.

I shall now come to my concluding argument against the passage of this bill. It would tend again to arouse the spirit of wild and extravagant speculation, which has spread distress far and wide over the land. It will tend again to produce those very evils for which its friends say it is intended to provide a remedy. What has been the history of this country? Upon this subject, let us not turn a deaf ear to the dictates of experience. It is the best teacher of political wisdom.

Under our glorious Constitution, the human mind is unrestrained in the pursuit of happiness, the calm of despotism does not rest upon us. Neither the institutions of the country, nor the habits of society, have established any *castes* within the limits of which man shall be confined. The human intellect walks

abroad in its majesty. This admirable system of government, which incorporates the rights of man into the Constitution of the country, develops all the latent resources of the intellect, and brings them into active energy. The road to wealth and to honor is not closed against the humblest citizen—and Heaven forbid that it ever should be!

It is, however, the destiny of man to learn that evil often treads closely upon the footsteps of good. The very liberty which we enjoy, unless we are restrained by the dictates of morality and of prudence, has a tendency to make us discontented with our condition. It often produces a restless temper, and a disposition to be perpetually changing our pursuits, for the purpose of becoming more wealthy or more distinguished. The frame of mind produced by freedom, if kept within proper bounds, is a source of the greatest advantages to individuals and to society: if unrestrained, and suffered to run wild, it leads to every species of extravagance and folly.

A few merchants, both in the cities and in the country, have amassed splendid and princely fortunes. These have glittered in the fancy of the thoughtless and unsuspecting countryman, and have roused his ambition or his avarice. He never calculated that it requires a union of considerable parts with great experience to make an accomplished merchant; and that, with all these advantages, but few comparatively are successful. His son is taught book-keeping at a country school, and then he abandons the pursuit of his fathers. He leaves the business of agriculture, which is the most peaceful, the most happy, the most independent, and, I might add, the most respectable, in society, to become a merchant. He spurns the idea of treading in the path of his ancestors, and acquiring his living by the sweat of his brow. Wealth and distinction have become his idols, and have turned his brain. Is not this the history of thousands in our country within the last twenty years? It was not difficult to predict what would be the melancholy catastrophe. Bankruptcy and ruin have fallen upon the thoughtless adventurers.

Happy would it have been for the country had this spirit of speculation confined itself to the farmer who turned merchant. We have witnessed it spreading over every class of the community. We have, in innumerable instances, seen the plain, sober, industrious, and inexperienced farmer, converted into a speculator in land and in stocks. We have lived in a time when the foundations of society appeared to be shaken, and when

the love of gain seemed to swallow up every other passion of the heart. This disposition gave birth to the hundreds and thousands of banks, which have spread themselves over the country. Their reaction upon the people doubled the force of the original cause which produced them. They deluged the country with bank paper. The price of land rose far beyond its real value; it commanded from $200 to $400 per acre in many parts of the district which I have the honor, in part, to represent; and I know one instance in which a man agreed to give $1,500 per acre for a tract of land, which he afterwards laid out in town lots. He sold the lots at so large a profit, that he would have accumulated an independent fortune by the speculation, had not the times changed and the lot-holders in consequence been unable to pay the purchase money.

This universal delusion has vanished; the enchantment is at an end; the people have been restored to their sober senses. In the change, which was rapid, many honest and respectable citizens have been ruined. Among many, misery and want have usurped the abodes of happiness and plenty. I most sincerely deplore their situation; but, as legislators, we should also have some compassion upon the community. Experience has taught us a lesson which, I trust, we shall never forget—that a wild and extravagant spirit of speculation is one of the greatest curses that can pervade our country. Do you wish again to rouse it? Do you wish again to witness the desolation which it has spread over the land, and which we are now slowly repairing? Then pass this bankrupt bill! Inform the farmer, who is now contented and happy, and whom experience has taught the danger of entering into trade, that he may become a merchant or a land jobber; that he may proceed to any excess he thinks proper; that he need confine the extravagance of his speculations within no other limit but the extent of his credit; that if, at last, he should be successful, unbounded wealth will be his portion; if not, the law will discharge him from all his debts, and enable him to begin a new career. Hold out a lure to all the industrious classes in society to abandon their useful and honorable pursuits, and enter into speculation of some kind or other, by proclaiming it as the law that, if they should prove unsuccessful, their debts shall be cancelled, and they shall be restored to their former situation. Such a law would present the strongest temptations to every man in society to become indolent and extravagant, because every man in society is embraced by its provisions. In this respect it is as novel as it is

dangerous. Rest assured, Mr. Speaker, that our population require the curb more than the rein. If you hold out such encouragement to unbounded speculation as this bill presents, we shall, before many years, see all the occurrences again presented before us which have involved the country in unexampled distress.

The time may come, in ages hence, when a bankrupt law may become necessary for the encouragement of commerce. History has instructed us that nations, like men, rise, and flourish, and decay. At present our population possesses all the vigor and enterprise of youth. The stimulus of such a bill would drive us on to madness. It would be putting into the hands of Phaeton the reins of the chariot of the sun. The day will come, but I trust it is now far distant, when old age shall fall upon us as a nation, when wealth shall beget luxury and corruption, and when we shall be enfeebled in all our exertions. Then it may be necessary to hold out extraordinary allurements to commercial enterprise. When that day shall arrive; when our country shall be sinking into decline; when her energies shall be paralysed; and when, perhaps, a new Republic, vigorous as ours is at present, may be her competitor in commerce, then, and not till then, will it be necessary that Congress should exercise the power vested in them by the Constitution, and pass uniform laws on the subject of bankruptcies.

REMARKS, MARCH 21, 1822,

ON THE EXCHANGE OF STOCKS.[1]

Mr. Buchanan said, he felt it to be his duty to express his decided opinion in favor of the amendment of the gentleman from

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[1] Annals of Congress, 17 Cong. 1 Sess. 1821–1822, II. 1344–1345.

Mr. Cambreleng's amendment, which had been voted down in Committee of the Whole, proposed to authorize the Secretary of the Treasury to issue not exceeding $26,000,000 of 5 per cent. stock in exchange for 6 per cent. and 7 per cent. stocks previously issued. The holders of the 6 per cent. and 7 per cent. stocks were to be allowed to subscribe for the 5 per cent. stock between May 1 and August 1, 1822, specifying the terms on which they would make the exchange; and the Secretary of the Treasury was to be authorized to accept such offers as he might deem advantageous to the United States, the exchange to be effected by a surrender of the old certificates and the payment into the Treasury of the premium, if any, offered in consideration of the exchange. The amendment was carried in the House by a vote of 109 to 38.

New York, (Mr. Cambreleng.) However unpromising might be its prospect of success, he was so firmly convinced it ought to succeed, he would briefly state his reasons for his opinion. The principle of the bill, said Mr. B., is unexceptionable. If we could pay the debt, when it shall become due, that would be the most politic course. This is admitted to be impossible, even by those who are the most sanguine in their calculations respecting the revenue. After the $26,000,000 shall have been exchanged under the provision of this bill, the remainder of the war loans will be more than we will be able to pay as they become due. It therefore becomes a wise and prudent people to provide, in time, the means of keeping up the credit of the Government. We can now do this, and save, at the very least, an annual expenditure of interest of $260,000 from the time when the bill shall go into operation. The question, however, now is, between the first section of the present bill and the proposed amendment. Mr. B. said he was in favor of the latter. The universal peace which followed the general war throughout Europe, had opened the avenues of trade to all nations. By that means much of the capital of our merchants had been driven from commerce, and was vested in the public funds. The price of money became cheap, because we had much more than was demanded to carry on our commerce. Trade has, however, been lately reviving, and the demand for money is becoming greater. Should we realize all the benefits from declaring the South American provinces independent, which we anticipate, and should other events transpire, which are at least probable, new channels of trade will be opened to our commercial enterprise. Delay upon this subject may therefore be dangerous. We have every reason to believe that the exchange could now be effected upon very advantageous terms—what will be the state of the money market by October next, it is impossible to foresee. The amendment contemplates that proposals shall be received by the Secretary of the Treasury from and after the first of May next; the original section, not until October. In this respect, Mr. B. thought the amendment preferable to the bill as it then stood. The chairman of the Committee of Ways and Means had thought the bill should not go into operation until the 1st of October next, that the foreign holders of stock might have an opportunity of taking advantage of its provisions. Mr. B. said, he could not perceive upon what principle we should endanger the success of the bill, by waiting until they might have an opportunity of subscribing. He also preferred the amendment

for another reason. The five per cent. stock of the Government was now selling in the market at an advance higher, by between three and four per cent., than the six per cent. stocks redeemable in 1825 and 1826. The bill, as it at present stands, will give the benefit of this premium to the stockholders of the Government, at the public expense. Why should we extend these advantages to any description of men in the community? We should be just; it cannot be expected we will be generous to the public creditors; because, by acting in this manner, we injure our constituents. A premium of three per cent. on the $26,000,000, proposed to be exchanged by this bill, would amount to $780,000. I hope the House are not prepared to give this large sum, without any equivalent, to the holders of the public stock. The amendment can do no harm. The Secretary has no power to make a worse bargain, under its authority, than that of the original bill; he may, however, and in all human probability will, make one that is much better. This bill, as it stands at present, presents a singular incongruity. The six per cent. stock, due in 1824 and in 1825, is placed on the same footing, and yet the one is clearly more valuable than the other. They must both be exchanged for five per cent. stock on the same terms, and it is out of the power of the Secretary to make a different bargain in the one case from the other. Mr. B. said he believed, if the amendment were adopted, it would be a clear saving to the country of between half a million and a million dollars; and, under that impression, he would call for the yeas and nays, that his vote might be recorded in the affirmative.

REMARKS, MARCH 30, 1822,

ON THE EXCHANGE OF STOCKS.[1]

Mr. Buchanan observed, that, although the bill before the House, even as it had been amended, did not please him in all its details, yet, imperfect as it was in his estimation, he deemed it in principle to be a measure so advantageous to the country that it should receive his decided support. The gentleman from Kentucky (Mr. Johnson) has complained that the friends of retrenchment, of whom he professed to be one of the most zealous, were denounced as radicals and enemies of the present Administration.

[1] Annals of Congress, 17 Cong. 1 Sess. 1821–1822, II. 1429–1432.

Mr. B. was utterly at a loss to know what application such remarks had to the subject under discussion. If they had any, for one he could observe, that denunciations of this kind would have no terrors for him. He neither desired nor expected any favor from the Administration; and he trusted that, whilst he held the high and honorable station of a Representative of the people, he should neither wish nor ask for any other distinction. He was, therefore, alike indifferent whether he was called a radical or an ultra.

Mr. B. said, that the present amount of the national debt might be stated, for the sake of even numbers, at $93,000,000. $63,000,000 of this sum is the balance of the war loans yet remaining unpaid, and bearing an interest of six and seven per cent. per annum. This balance will be redeemable at the pleasure of the Government, in the years 1825, 1826, 1827, and 1828. The measure proposed by the present bill is an exchange of $26,000,000 of this stock, upon which the Government now pays an interest of six and seven per cent. for stock to that amount, bearing an interest of five per cent. and not redeemable until 1830, 1831, 1832, and 1833. This exchange, in all human probability, can now be effected. The only question, therefore, to be decided, is the policy of the measure.

It is said by its enemies that this bill should not pass, because it will deprive the Government of the power of redeeming $26,000,000 of the public debt, during the years in which it will become due. If the slightest prospect existed that we should be able to pay the $63,000,000, during those years, then, said Mr. B., I admit this would be a conclusive objection to the bill. Unquestionably we should not deprive ourselves of the opportunity of discharging our debts, whenever we shall have the ability. But does any gentleman, however sanguine he may be in his calculations, really believe that our revenue, during the years 1825, 1826, 1827, and 1828, will be sufficient to defray the current expenses of the Government, to pay the interest of the whole of the national debt, and sink $63,000,000 of the principal? During each of the two last years our debt has been increased upwards of $2,000,000; and the Secretary of the Treasury, in his annual report, has informed us, that until 1825, the year when the first of the war loans may be redeemed, he does not calculate that our ordinary receipts will enable him to do more than meet the ordinary expenses of Government, the interest of the national debt, and the payment to the public creditors of the small balance

yet unpaid of the deferred six per cent. stock. That officer, we are informed by the Chairman of the Committee of Ways and Means, now believes, from the late improvement in the revenue, that the $2,000,000 of six per cent. stock owned by the Bank of the United States, may also be discharged during the intermediate years. This, however, is the utmost extent, beyond which our most sanguine expectations have not carried us.

If you should delay making such a provision as that contemplated by this bill until 1825, what will then be your situation? During that and the three subsequent years, you will either have a debt of $63,000,000 to discharge, or you will be compelled to pay for it an interest of six per cent. If you pay the amount, you must provide the means, by resorting to loans; and your necessities will then compel you to borrow so much at once, that the value of money will be raised in the market and you will not be able to obtain it at so cheap a rate as it can now be procured. Is it not, therefore, infinitely more politic to make the contemplated exchange of $26,000,000 at the present time, when it can be done upon advantageous terms, than, under existing circumstances to trust to the future?

Should this exchange be effected to its full extent there will still remain $37,000,000, which we may pay in 1825, 1826, 1827, and 1828; upwards of $9,000,000 each year. This sum so greatly exceeds that portion of the Sinking Fund applicable to the payment of the principal of the debt during those years, even should it be in operation to the full extent at present contemplated by law, that we shall then be obliged to borrow large sums of money. This bill is calculated to divide the pressure. Let us now make an exchange of a part upon good terms; and by doing so we shall secure to ourselves infinitely better terms for the balance in 1825, 1826, 1827, and 1828, than we could otherwise expect.

Mr. B. said, he believed this to be the auspicious moment for making the exchange. Trade is reviving and the demand for money becoming consequently greater. Should we realize the commercial advantages which we expect from our declaration, that the South American provinces are free and independent, new avenues will be opened for mercantile enterprise, and for the employment of that capital which now remains idle. The interest of money must rise as the demand for it increases. On the other hand, if Spain should, in violation of the principles of justice and of the laws of nations, declare war against us for recognizing

the independence of her colonies, or even threaten it, the necessary result must be a depression in the price of your stocks. The experience of every country, in a state of actual or probable war, proves the truth of this position. This, then, appears to be the favorable time which, if we suffer to pass away, may never again return.

The immediate effect of this exchange will be an annual saving of $260,000. My friend from Kentucky, said Mr. B., who is so laudably desirous of introducing economy in the expenditure of public money, should have included this item in his calculations.

The present bill, we have been informed by the chairman of the Committee of Ways and Means, is a financial measure of the Secretary of the Treasury. Now, although the opinion of that officer, even in matters of finance, should not be authority; yet, from his character and official station, it is entitled to much weight. When there is doubt—when the judgment is nearly balanced, it should at least turn the scale. If Congress reject this measure, thus recommended, and if we shall be compelled to accept much worse terms in 1825 than the bill proposes, our constituents would have a just right to complain of our conduct.

It has been urged that the provisions of this bill are immoral in their nature, and will tend to introduce a system of wagering on future contingencies. It appears to me, however, that there is not the slightest foundation for this objection. Would the most rigid casuist consider, that the man who had borrowed money some years ago at the rate of six per cent. per annum, which will become due three years hence, is liable to an imputation of dishonesty if now, when money is worth less than five per cent., he offers to his creditor to extend the time of payment to eight years, provided he will accept that rate of interest from the date of the arrangement. This is precisely the proposal of Government as contained in the present bill.

Mr. B. concluded, by expressing his decided opinion that, in whatever view this bill could be presented it would be beneficial to the country, and, therefore, he hoped it might pass.

REMARKS, APRIL 9, 1822,

ON A PROPOSED APPROPRIATION FOR THE REPAIR OF THE CUMBERLAND ROAD.[1]

Mr. Buchanan said, he should make no apology for rising to address the House upon the present occasion. The character of Pennsylvania, he said, had been attacked, and her views had been misrepresented, by honorable gentlemen upon this floor; and he should feel himself utterly unworthy of the trust reposed in him, as one of her representatives, if, after what had been said, he were not to stand forth in her defence.

As it often happened, said Mr. B., that men are most afflicted by imaginary diseases, so it occurs that they most dread imaginary dangers. This has been the case with the gentleman from Tennessee, (Mr. Jones.) He has been grappling with the State of Pennsylvania, as though she stood ready to hurl the mountain into the Cumberland road, described by the gentleman from Maryland, (Mr. Bayly,) and he were the Atlas who could sustain it upon his shoulders, and thus make the attempt unavailing. This fancy of the gentleman has produced an excellent speech. Indeed, without much imagination and ardor of feeling, there can be but little eloquence. Let me, however, assure that gentleman and this House, that neither Pennsylvania nor her representatives dream of the destruction of the Cumberland road.

The gentleman from Tennessee, (Mr. Jones,) and the gentleman from Kentucky, (Mr. Hardin,) have ingeniously attempted to connect the grant of this appropriation with the preservation or destruction of this road. They have asked us if we will now destroy that great national work—if we will close the avenues which keep the intercourse open between the East and the West. I answer we will not. We all admit that the road should be preserved. The question now to be determined by this House is not whether the road shall be destroyed, but by whom shall it be repaired, whether by the United States or by the people who use, and for whose benefit it was constructed.

The National Government have made the road at an expense

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[1] Annals of Congress, 17 Cong. 1 Sess. 1821–1822, II. 1503–1508.

February 19, 1823, Buchanan offered an amendment to a pending bill, to cede to Maryland, Pennsylvania, and Virginia the parts of the road lying within their limits on condition that they keep it in repair. (Annals of Congress, 17 Cong. 2 Sess. 1822–1823, 1063.)

of $1,000,000. Notwithstanding all that has been said by gentlemen about the existence of a compact for that purpose, it now appears that five-sixths of this enormous expenditure has been pure bounty. It has been stated, and not contradicted, that the two per cent. upon the whole amount of the sales of lands of Ohio, which was the sum pledged for the purpose of making a road, does not exceed $300,000. The United States then, in the construction of the Cumberland road, have been actuated by the most liberal policy towards the people of the West.

What has been the principal argument urged by gentlemen, friendly to this appropriation, to induce us to keep the road in repair? In my opinion it is one of the most wonderful which has ever been presented to this House. Say they, because you have made the road, you should, therefore, be at the expense of supporting it. Is not this a conclusion directly the reverse of one which would naturally flow from the premises? If we have been so generous as to make a road for you, ought you not, at least, to keep it in repair? If tolls could not be collected upon it sufficient for its preservation, there would be some force in the argument. This, however, is not pretended. Indeed we should be almost induced to believe, from the representations of its friends, if we did not know to the contrary, that it was the only road which connects the West with the East.

In what estimation would an individual be held who had received as a free gift a valuable farm, if, when, in the lapse of time, it needed repairs, he should demand from his benefactor the sum which they might cost, and assign his generosity in conferring the original bounty, as a reason why he was bound to satisfy this new claim? The present is a case precisely parallel with the one now before the House, so far as it goes. The gentleman from Kentucky, (Mr. Hardin,) and the gentleman from Tennessee, (Mr. Jones,) have gone still further, and have attributed, not only to my colleagues who have heretofore addressed you on this subject, but to the State of Pennsylvania generally, a selfish and illiberal policy, because they have resisted this unreasonable demand. With what justice the charge has been made remains for this House to determine.

Gentlemen have instituted comparisons between the amount of public money expended for the benefit of the people in the East and in the West. As a present consolation for the disparity in this respect, which the gentleman from Kentucky, (Mr. Hardin,) supposes to exist in favor of the East, he has predicted that the

day will ere long arrive when the weight of power shall be transferred to the West. It is because my feelings are all friendly to that portion of our Union that I dislike to hear such sentiments from sources so respectable. Gentlemen, without intending it, I am convinced, have been thus endeavoring to excite jealousies between people whose feelings and whose common interest are both precisely the same.

With what justice has it been contended by gentlemen, that the money expended in the construction of a navy, has been exclusively for the benefit of the eastern section of the Union? Although it is now generally admitted that a navy is the best defence for all parts of the Union, yet it is peculiarly the bulwark of the country west of the Alleghany mountains. The extent of coast upon the Atlantic would render it impracticable for any hostile naval force altogether to prevent us from sending a portion of our produce to market; but let the mouth of the Mississippi be blockaded by a force of that description, superior to our own, and I ask what will become of all the surplus agricultural productions of the vast and fertile valley watered by that river and its tributary streams? The truth is, we are all so connected together by our interest, as to place us in a state of mutual dependence upon each other, and to make that which is for the interest of any one member of the federal family beneficial, in most instances, to all the rest. We never can be divided without first being guilty of political suicide. The prosperity of all the States depends as much upon their Union as the human life depends upon that of the soul and the body.

The State of Pennsylvania, about the illiberality of whose views on this subject so much has been said, never has acted towards you in the manner those interested in the Cumberland road have done. Had you advanced us the money to construct a road which would have been advantageous to our citizens generally, you should never afterwards have been asked to advance money to keep it in repair. We should have considered such a request both ungrateful and unjust. The citizens of that State, with the aid which she liberally bestowed, have already completed eighteen hundred and seven miles of turnpike road, of which about twelve hundred and fifty are of solid stone. Laws have been passed for the construction of seven hundred and fourteen miles more. The State has expended upon these objects $1,361,542, and individuals $4,158,347. One of these roads runs nearly parallel with the Cumberland road, and connects the city of Phila-

delphia with that of Pittsburg. The gentleman from Tennessee, two years ago, found this road to be a bad one. The temper of mind with which people travel has a wonderful effect upon their judgment of the road, and I fear this cause has operated, in no small degree, upon the mind of my honorable friend.

It is expected that this road, as well as all others of the same kind in Pennsylvania, shall not only support itself, but yield some small dividend upon the stock subscribed for its construction. I ask, then, with what justice towards that State can you repair the Cumberland road out of the Treasury, and make it perfectly free? Even after you shall have placed toll gates upon it, there will be no fair competition. No more toll will be collected upon it than will be necessary for its preservation, whilst our road, in addition to that amount, must pay an interest to the State, and to the stockholders. With what propriety, then, can Pennsylvania be censured for maintaining the principle that those who travel upon the Cumberland road, and are most interested in its preservation, should keep it in repair. She does not deserve, at your hands, that you should give a premium out of the public treasury, for the purpose of diverting travellers away from her road, and inducing them to use another which is in no respect superior. It will not be denied but that, in times of trial, she has both fought and paid with as much alacrity as any other State in the Union.

Notwithstanding all that has been said, I believe, as firmly as I do in my existence, that the friends of this road might with safety retrocede it to Pennsylvania. It would not be delivering up the lamb to the wolf, to use the expression of an honorable gentleman. Pennsylvania is now no more governed by a selfish policy, than when she ceded to the United States the soil over which the road passes. She then understood her true interest as well as now. There certainly has been nothing in her conduct since, which could induce a rational belief that she would destroy this great public work, if it were placed in her power. In that case she would do nothing more than impose a toll upon it, sufficient to create a fair competition between it and her own road; and then leave the public to decide which they would use. We do not, however, ask for a retrocession; all we desire is, that the road may hereafter support itself, and not be a perpetual drain upon the public treasury.

The existence of this road, I can assure gentlemen, is not a subject of such alarm to the State of Pennsylvania, nor to her metropolis, as they suppose. Whilst Philadelphia shall deserve

the character which she has so justly acquired for commercial integrity, she will always find customers in the West, no matter over what road they may travel. Her experience has already proved the truth of this assertion. It is devoutly to be wished, both for the sake of her merchants and those of the West, that, hereafter, the latter may be able to comply with their contracts better than they have done heretofore. In making this observation, I have not the most remote intention of giving offence, because I know that the pecuniary embarrassments of people of the West arose from causes, the operation of which they did not at first foresee, and could not afterwards control.

We have all, then, arrived at this conclusion, that the road shall not be suffered to go to ruin. Whatever doubts may at present be entertained, either of the policy of its original construction or location, about which I have my own opinion, we must not now allow it to be destroyed. Before toll can with justice be demanded from travellers, it must be repaired. The mountain, which it is said has slid down into it, must be removed. From motives of generosity to the people of the West, and not of justice, I am, therefore, free to acknowledge, that I am willing a provision shall be introduced into the bill for the collection of tolls, appropriating to the road this unexpended balance of $9,194.25. After, however, we shall have given them that amount and our blessing, it should be explicitly understood, that we shall never again hear any more demands for money from that quarter on the same account.

It may be asked why I am unwilling to make the appropriation in the present bill? For this, I will briefly state my reasons. The first is, that if the appropriation were once made, we have good reason for apprehending we should not again, during the present session, hear anything about the collection of toll. It is at least certain that the friends of the road would not then be very anxious for the consideration of the bill providing for that object. We know that one of the gentlemen from Ohio, (Mr. Campbell,) who spoke upon this subject, avowed his opinion that the General Government should always support this road out of the public treasury. I would, therefore, make a provision for the collection of toll, and the appropriation of this unexpended balance as inseparable as man and wife. I know they are unwilling companions, and I dread that, if the one should get the start of the other, it would be difficult ever to unite them.

Another reason which operates forcibly upon my mind is,

that this donation has been introduced into the general appropriation bill for the support of Government. The impropriety of this course will appear manifest from considering the character of that measure. Its legitimate purpose is to provide for expenses which either have been, or will be, incurred under the authority of existing laws, or in pursuance of the well established policy of the country. The principle now to be decided by the House is entirely new. It is not as it was formerly, whether you will complete that which you have already commenced; but whether, after having completed, you will keep the road in repair. Appropriations for making the road were matters of course, after you had finally determined it should be constructed. The principle now before the House, however, being entirely new, should have been embraced in a distinct bill, and suffered to rest upon its own merits. When you legislate upon new subjects in a general appropriation bill, you give them an unfair advantage. You drag them along by the force of the bill to which they are attached; and, on its passage, you compel members either to vote in their favor, or to stop the wheels of Government.

Upon the same principle that this provision has been introduced into the bill now before the House, you might introduce into it any other claim for money, whether of a public or a private nature. The consequences which would follow, from pursuing such a precedent, I need not detail to this House.

In this case, the precedent would be infinitely the more dangerous, should the grant be introduced into the general appropriation bill, for that very reason. It might then hereafter, with some degree of propriety, be considered as the settled policy of the country to support the road; and as a pledge of the public faith that it shall be repaired out of the public Treasury.

In every view, therefore, which this subject has presented to my mind, I have been led to the conclusion that we should concur with the Committee of the Whole in their report, and strike out this appropriation from the present bill.

REMARKS, APRIL 25, 1822,

ON A PROPOSED APPROPRIATION FOR MARKING THE WESTERN BOUNDARY OF THE UNITED STATES UNDER THE TREATY WITH SPAIN OF FEBRUARY 22, 1819.[1]

Mr. Buchanan, of Pennsylvania, said, in reply to Mr. Allen's argument, that it was not a line that was to be fixed by the Commissioners, that being done by the description of it in the treaty; but it was a line to be marked. The national boundaries are specified in the treaty; and all that the Commissioners can have to do is to mark the line which is thus specifically defined. The gentleman from Kentucky was perfectly correct, Mr. B. said, when he contended that the Mexican Government would be bound to run the line, as by its succession to the rights of old Spain, it had also succeeded to her duties. What then would be the proper mode of proceeding? Mr. B. objected, he said, to the appointment of a Commissioner to meet the Commissioner of Spain; and when he did that, he was as much in favor of observing the obligations of the treaty as any gentleman. Do we wish to violate this contract with Spain when we say we will not run this line in conjunction with her? No; we say, that Mexico has succeeded to the rights of Spain, and having done so, we are bound to carry the treaty into effect with the former, and not with the latter. We made our contract with Spain—how? As the sovereign over those territories. What has happened since? Why, it appears that the sceptre has passed from the hands of Spain, and not she but another power possesses the sovereignty. Mr. B. said he would just put one question, by way of illustration. Suppose, after this country was declared sovereign and independent during the Revolutionary war, a stipulation had been made between Great Britain and Spain to run our boundary line, would we have suffered our sovereignty to be violated with impunity? Or has any nation now a right to go into Texas or Mexico and run the boundary line? Surely not. This, Mr. B. said, was his view of the matter, and he believed it to be correct. He would, therefore, withhold the proposed appropriation; not that he would violate our engagement with Spain, but that he would perform it to the proper sovereign. There was so palpable an inconsistency between this appropriation and the recognition of the independence of Mexico, that he could not vote for it.

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[1] Annals of Congress, 17 Cong. 1 Sess. 1821–1822, II. 1663.

1823.

SPEECH, FEBRUARY 7, 1823,

ON THE NEW TARIFF BILL.[1]

Mr. Buchanan, of Pennsylvania, said, the question now under discussion before the Committee, although one of considerable consequence, had assumed an air of importance to which it was not entitled. The argument has proceeded, as though we were now about to decide whether we should change the settled policy of this country, in its intercourse with foreign nations, and adopt a system strictly prohibitory and restrictive; whether we should close our ports against all the nations of the earth, and sweep our foreign commerce from the ocean, for the purpose of encouraging our domestic manufactures. The imprudence of some of the friends of the bill, has given to its enemies a plausible pretext for this course of argument. The gentleman from Massachusetts (Mr. Gorham) has availed himself of this advantage. Instead of attacking the provisions contained in the bill, he has, ingeniously, and with a force of argument which I have rarely heard equalled, assailed some of the principles by which it has been supported. He has considered this as a question, whether we should at once abandon the policy under which we have been acting, from the adoption of the Federal Constitution, and substitute in its stead a restrictive system; and, if this were the true state of the case, he should have my hearty co-operation.

Assuming these premises, that gentleman has presented before us a number of horrid images, sufficient to startle the imagination, not as the creatures of his own fancy, which they truly are, but as the genuine production of the bill. He has declared that it is an attempt by one portion of the Union, for its own peculiar advantage, to impose ruinous taxes upon another. He has represented it as an effort to compel the agriculturists of the South to pay tribute to the manufacturers of the North; he has proclaimed it to be a tyrannical measure. He has gone further, and boldly declared that the people of the South should resist such a law, and that they ought to resist it. After this wonderful display, would any one believe that the present measure

[1] Annals of Congress, 17 Cong. 2 Sess. 1822–1823, 893–905.

is dictated by the pecuniary necessities of the country, and the only question to be determined is—what are the most proper sources from which to derive additional revenue? The Secretary of the Treasury has done his duty, and disclosed to the nation the real situation of its finances. He has informed us that, in the year 1825, there will, in his opinion, be a deficiency, under the present system, of about $1,250,000, even after allowing a credit for the $8,000,000 which he estimates will, at the commencement of that year, be remaining in the Treasury, after paying the expenses of the preceding years. The gentleman from New York (Mr. Cambreleng) has, notwithstanding, declared, that we have an overflowing Treasury, and that there is no necessity for increasing our revenue. The Secretary and he are at issue on this point: and although I am disposed to give great credit to his opinions, particularly upon subjects of that nature, yet those of the distinguished officer, placed by your laws at the head of the Treasury, are entitled to still greater weight. Fortunately, however, this is a subject not involved in any mystery; but is one about which we can all judge. We know, from the report of the Committee of Ways and Means, made at the last session, that the proportion of our public debt which will be redeemable in the years 1825, 1826, 1827, and 1828, amounts to sixty-three millions seven hundred and eighty-six thousand one hundred and thirty-seven dollars and seventy-four cents. It is estimated by the Secretary, that, after applying the eight millions of dollars, which he expects will have accumulated in the Treasury on the first of January, 1825, towards the extinguishment of the debt redeemable in that year, there will still remain a deficit of about $1,250,000.

In what manner, then, do gentlemen propose to meet this deficiency? In what manner do they propose, not only to effect this purpose in 1825, but to pay upwards of forty-six million dollars of debt, which ought to be paid in the three succeeding years? In what estimation should that man's wisdom be held, who would fancy himself rich, and neglect to provide the means of discharging a debt of ten thousand dollars, which will not be payable till the year 1825, because he believes that in the meantime his ordinary revenue will yield him five hundred dollars beyond his ordinary expenses? This is precisely the situation of the Government; and yet the respectable gentleman from New York has informed us that there is no necessity for providing any additional ways and means.

There can be no doubt but that every member of this Committee will concur with me in opinion, that our debt ought, if possible, to be discharged as soon as it shall be redeemable. No one will contend that a public debt is a public blessing. The payment of the national debt is one of the best means of preparing for war. The resources of the nation ought not to continue mortgaged to the public creditor; but they should be left entire, and ready to be applied at all times towards the defence of the country. This, at least, is my system of policy.

Under this view of the subject, we are brought, irresistibly, to the conclusion, that revenue must be raised; at least, that it ought to be raised. The question, then, is, from what objects shall we derive the means necessary to extinguish the national debt? It is admitted by all that a duty upon imports is the most economical and least oppressive mode of raising revenue. It is the mode most consonant to the feelings of a free people. It does not require the agency of the exciseman or the tax gatherer. The practice of the government for more than thirty years has sanctified this method in the minds of the people. They will not now readily submit to direct taxes, or to excises when the country is at peace. I say, emphatically, when the country is at peace; because I know that in times of actual war, or of approaching danger, the American people will cheerfully submit to any sacrifices which may be necessary to provide for the common defence, and promote the security and the glory of the nation.

The necessity of adopting a new tariff, for the purpose of raising revenue, has not only been stated by the Secretary of the Treasury, but he has distinctly recommended many of the articles on the importation of which additional duties should be imposed. These are all embraced in the provisions of the present bill, though the increase of duty is in several instances greater than what he recommended. Yet, notwithstanding its friends have declared their intention to amend it, and make it conform more nearly with that recommendation, this is the measure whose blasting influence, if adopted, gentlemen declare, will paralyze agriculture, ruin commerce, and destroy the navy. Phantoms, the most deadly and destructive, have been presented before the Committee, as the natural offspring of this measure. One would almost be led to believe that the bill now under consideration was the true box of Pandora, from which, if enacted into a law, all the evils that can invade the human race would proceed. The gentlemen from Georgia and from Massachusetts (Mr. Tattnall and Mr. Gorham)

have proclaimed it tyranny, and tyranny which ought to be resisted. Yet all this mighty conflagration has been raised to intimidate us from adopting a system, which in substance has been recommended by the intelligent and independent officer at the head of the Treasury, merely because in its indirect operation it may benefit certain necessary domestic manufactures. I confess I never did expect to hear inflammatory speeches of this kind within these walls, which ought to be sacred to union; I never did expect to hear the East counselling the South to resistance, that we might thus be deterred from prosecuting a measure of policy, urged upon us by the necessities of the country. If I know myself, I am a politician neither of the East, nor of the West, of the North, nor of the South: I therefore shall forever avoid any expressions, the direct tendency of which must be to create sectional jealousies, sectional divisions, and at length disunion, that worst and last of all political calamities.

The gentlemen will, I trust, be mistaken in their object. They will not be able, by calling this bill a prohibitory system, and by taking that for granted which has no existence, except in their own imagination, to deter its friends from pursuing a steady course in the accomplishment of their object. The gentleman from Massachusetts, (Mr. Gorham,) like the ancient Archimedes, only wants a place to stand upon; he could then move the world. If the bill really contained those destructive provisions which have been placed in terrible array before us, the whole American people would rise up with one consent against it; not in rebellion, because for that there could be no occasion; but in their sovereign character of voters, and discharge from the councils of the nation those Representatives who had trampled upon their dearest rights.

I have now arrived at that point in the argument when it becomes necessary that I should declare to what extent I am willing, at this time, to proceed in the protection of domestic manufactures. Upon this subject, I hope I shall not be misunderstood. I think I have shown, that it is now necessary to increase our revenue from imposts. In selecting the objects of additional duty, I would do it with a view to the encouragement of such domestic manufactures as are necessary for the defence of the nation, and for the consumption of the great mass of your people; and more particularly those articles of which your country furnishes the raw material in abundance. By this means, whilst you raise revenue, you indirectly, but gradually, encourage such man-

ufactures as will render you more independent of foreign nations. The gentleman from Massachusetts (Mr. Gorham) has asked, are we not independent when we purchase what we want from foreign nations, and pay them the price demanded? I answer, yes; but we would be much more independent if we could derive from our own manufactories those articles which are commonly called the necessaries of life, and those without which you cannot carry on war. When a nation is in this situation, she is prepared for a state of war, as well as of peace; she is prepared for the day of adversity, as well as the day of prosperity. Her necessary supplies are not then dependent upon the will of foreign Powers, who may be in a state of hostility against her; but she has her own resources under her own control.

The gentleman from Massachusetts (Mr. Gorham) has urged, as another argument against this bill, that it is a mere compromise, and that there is no one article on which an additional duty could be imposed without the others. This may be true, and it ought to be true. The Federal Constitution was itself a compromise. Our Government extends over a vast territory; and, therefore, in the selection of articles on which to impose additional duties, you should consult the advantage of every part. You should study equality, and scatter the advantages of your system as widely as possible. This is the only course of policy which will perpetuate harmony among all the States. It was by a combination of this nature, between the cotton growers of the South and the manufacturers of the North, that the introduction of coarse cottons into the country from abroad has been in effect prohibited, by the high rate of duties. Is it not, then, ungenerous for the South and the East to sound the tocsin of alarm and of resistance, when we wish to benefit the agriculture and manufactures of the Middle and the Western States indirectly, by the imposition of necessary duties? We do not ask the same encouragement for the growth and manufacture of any article, that has been afforded to that of cotton. For one, I desire at present no prohibitory duty on any other article. All that we ask of you is, that, as you must raise revenue, you should do it in such a manner as to give some indirect encouragement to the agriculture and manufactures of the middle portion of the Union. Give us a small share of the same advantages which we have freely concurred in bestowing upon you.

This bill will make no change in the well settled policy of the country. It pursues the system under which this Union has

flourished. The practice of the Government, for more than thirty years, has been gradually to encourage those domestic manufactures most important to the country. We have moved along in this course, not rashly, but cautiously. The end has been the collection of revenue; in its attainment we have adopted a system of duties calculated to afford protection to our own manufactures, not for the purpose of prohibiting the importation of foreign fabrics, but to bring our own into fair competition with them. This policy, which accommodates itself to our circumstances, is infinitely better than either the dreams of political economists, who, on the one hand, would cast off every restriction, and open your ports to all the world, or the systems of those who, on the other, are so devotedly the friends of domestic manufactures, that they would sacrifice the commercial, and injure the agricultural interests of the country for their promotion. Experience is the best school of politics. The gentleman from Massachusetts (Mr. Gorham) has stated that, for the last twenty years, all the distinguished writers on political economy have denounced the restrictive system, and have advocated what has been called the "let us alone" policy. In answer to their theory, I will produce an experiment. The Emperor Alexander became a convert to these notions. In 1820 he adopted a new tariff, reducing the duties generally, and repealing most of the prohibitions. The ports of that vast empire were thrown open to all the merchants of the world. The golden age of modern political economists had arrived; they had made a convert, who had the power and the inclination to bring their system into practical effect. What were the consequences? Two short years were sufficient for the experiment. In two short years Russia was reduced from a state of unexampled prosperity, to which she had attained by pursuing a contrary policy, to a state of unexampled depression. The edict was repealed; a new tariff was adopted; and it was declared by that Government that, under the operation of the tariff of 1820, "agriculture without a market, industry without protection, languish and decline. Specie is exported, and the most solid commercial houses are shaken." I would recommend to gentlemen a perusal of the whole of this admirable State paper, from which I have quoted but a few lines.

The gentlemen have contended that, should this bill be adopted, the agricultural interest of the country will be greatly injured. If this were the case, it would be a conclusive objection to its passage. The farmers are the most useful, as they are the

most numerous class of society. No measure ought ever to be adopted by the government which would bear hardly upon them. They are the body of men among whom you may expect to find, in an eminent degree, that virtue without which your republican institutions could not continue to exist. Agriculture is the most noble employment of man. It communicates vigor to the body and independence to the mind. My constituents are principally farmers, and I should feel it both my duty and my inclination to resist any measure which would be pernicious to their interest.

The agriculturists are the great body of consumers. It is from them that the revenue must principally be derived, no matter what may be the mode by which it is collected. They must equally pay it, whether in the shape of an excise, a land tax, or an impost upon the importation of foreign articles. I will never consent to adopt a general restrictive system, because that class of the community would then be left at the mercy of the manufacturers. The interest of the many would thus be sacrificed to promote the wealth of the few. The farmer, then, in addition to the premium which he would thus be compelled to pay the manufacturer, would have also to sustain the expenses of the government. If this bill proposed a system which would lead to such abuses, it should not receive my support.

I consider this bill as a revenue measure. Money must be collected—the public debt must be paid—and a large proportion of the money to pay it must come from the farmer. I have shown that the imposition of additional duties is the best and cheapest mode of collecting taxes. If, then, at the same time that the farmer is paying an additional duty to the Government in the increased price of the imported foreign articles which he consumes, the domestic manufacturer can, by that means, be enabled to enter into competition with the foreign manufacturer, in the home market, in what manner is the farmer injured? He is not only not injured, but he will be benefited. If, for example, the agriculturist, by paying a small additional duty for one or two years, can be certain then of purchasing domestic articles equally cheap with foreign; and if he can thus procure a home market for the products of his own industry, he is greatly the gainer by the measure. The loss, if any, which he would sustain at first, is amply compensated by the benefit at last. This was the case with respect to the duty imposed upon coarse cotton goods. Although the growers of cotton, and other consumers, may, in the beginning, have had to pay more for articles of this description than formerly, yet the price is at present reduced lower than

it ever was. The goods are so much better and cheaper than the foreign fabric, that they are now exported. The planters of the South have thus obtained a certain market in the North for their cotton; not one liable to the fluctuations and the changes incident to the policy of foreign governments. The trade and the mutual dependence to which this measure has given birth, serve to tighten the bonds of union between these two portions of our country, and is, therefore, a political measure of great consequence. The planters of the South have thus become necessary to the manufacturers of the North. And thus, if a wise and prudent system of policy shall be pursued, all the States will be indissolubly bound together by their interest, as well as their inclination. Nature has declared that our mutual wants, and our mutual means of gratifying them, shall bind this Republic together. Nothing but the mistaken policy of man can ever tear it asunder.

The gentleman from Massachusetts (Mr. Gorham) has argued as though the direct effect of this bill would be to destroy commerce, and to prostrate the Navy. If this were true, it would be a most powerful argument against it. The merchants are a respectable and useful class of men, and are entitled to the protection of the Government. Without commerce, your Navy cannot exist. It is the only school in which sailors can be instructed. The first lesson in politics which I ever learned was to admire the Navy. That which in the beginning was perhaps honest prejudice has now become rational conviction. The Navy is our best defence from external enemies; it is our best security for perpetual union. The sailors of the Northern and Middle States are necessary to the prosperity of all the inhabitants of the vast valley of the Mississippi. The outlet of that river can only be preserved free and open by a naval force. I would not, therefore, sacrifice the interests of commerce to promote manufactures. This bill will produce no such effect. Its operation in favor of manufactures will be gradual—almost imperceptible. The additional consumption from the rapid increase of our population will be equal, or nearly equal, to the increase of manufactured articles. If at last any of the branches shall become so perfect in its kind as to exclude foreign articles of the same description, this will be the work of many years. In the meantime, the commercial capital employed in that particular trade will find new channels. Speaking of this subject, the Secretary of the Treasury, in his annual report, says:

"It is however presumed that the revenue will continue to be augmented by the proposed alterations in the tariff until the

public debt shall have been redeemed; after which, the public expenditure in time of peace will be diminished to the extent of the Sinking Fund, which is at present ten millions of dollars. But, if, contrary to the present anticipations, the proposed augmentation of duties should, before the public debt be redeemed, produce a diminution of the revenue arising from the importation of those articles, a corresponding, if not a greater augmentation, may be confidently expected upon other articles imported into the United States. This supposition rests upon the two-fold conviction that foreign articles nearly equal to the value of the domestic exports will be imported and consumed; and that the substitution of particular classes of domestic articles for those of foreign nations not only does not necessarily diminish the value of domestic exports, but usually tends to increase that value."

There is one circumstance which will always serve to secure the merchants of the country against the manufacturers, and that is the necessity, in time of peace, of collecting our revenue from imposts. Should such a general prohibitory system be adopted in favor of domestic manufactures, as to make a resort to direct taxes necessary for the support of Government in time of peace, the reaction will be dreadful. The people would at once rise in their majesty, and legislate the evil out of existence. In this, however, their own true interest will compel the manufacturers to study the interest of the merchants.

It has been said by the gentleman from Massachusetts (Mr. Gorham) that if you impose additional duties on foreign articles, you thereby give to the domestic manufacturer a pledge which you can never in good faith withdraw. That, therefore, you cannot repeal laws of this nature, should they prove injurious. This conclusion I deny. The manufacturers must act upon the laws at their own peril. They are merely intended to plant those manufactures natural to our soil and to our country. After they have been fairly brought into existence, if they cannot support themselves without extraordinary duties, or, in other words, without continual contributions from the consumers, they must be abandoned by the Government. If any manufacture is discovered to be a mere hot-bed production—that cannot flourish in our climate without artificial warmth—it must be left to its fate. It is one of such a description as should never have been planted. In order to avoid this disagreeable alternative, however, we should be careful to legislate in favor of such branches of manufactures only as are congenial to our country. We have hitherto been

eminently successful in this particular. The selection of cotton manufactures was judicious in the highest degree. They have now taken deep root, and can flourish against any foreign competition. If the case had been otherwise, the result would have shown that they ought not to have been brought into existence by the protection of our laws.

Another powerful reason which exists for the passage of this bill, is, that the balance of trade for some years has been clearly against us. It is a notorious fact that specie, that Government stock, that Bank stock of the United States, and even the canal stock of the State of New York,—are rapidly leaving the country, to pay the debts which we owe in Great Britain. Our importations have been extravagant, and should they continue so great, our wealth will be gradually drained from us, for the purpose of enriching foreign manufacturers.

It has been said that this evil will correct itself. So it must; but it will not be until the country is drained of its wealth, and our merchants can no longer obtain credit abroad. It will not be until we have got into a state of debt and depression, from which it will require years to recover.

The gentleman from New York (Mr. Cambreleng) has declared, that the larger the balance of trade against us, the greater the evidence of our prosperity. This, taken literally, is a paradox, which I know the gentleman did not mean. His intention was to say, that the larger the apparent balance of trade was against us, on the books of the custom-house, the stronger the evidence of our prosperity. For example, suppose our exports amount to $16,000,000, our imports to $20,000,000, his conclusion is, that our commercial capital, industry and enterprise, are worth imports to the value of $4,000,000, and that thus the account is balanced, and the country is enriched. This would be true, provided, at the end of the negotiation, we were clear of debt. Without showing that to be the case, this argument is merely begging the question. Let me put a case, which approaches much nearer to the truth. Suppose our exports to be but $16,000,000, our imports $20,000,000, and at the end of the year we are $2,000,000 in debt, how would the balance of the trade then stand? It would be precisely $2,000,000 against us. That this supposition approaches much more nearly to the real state of our foreign trade is evident, from the history of the country for the last few years. Is it not notorious, that our money and our stock are rapidly disappearing, notwithstanding

all the value of our commercial capital and industry employed in foreign trade? I am not one of those political croakers, who judge of the balance of trade by the books of the custom-house. If any estimate formed upon them were true, our imports so far exceed our exports, that we are, and have been for years, driving on to ruin with dreadful rapidity. This, we know not to be the fact. To our imports must be added, all the value of our commercial industry and enterprise, when we would compare them with our exports, for the purpose of ascertaining the true balance of trade. Their value never can be known with any tolerable accuracy. When, however, we find, that the precious metals and our stocks have continued for years to be leaving our country; when we know that the rate of exchange has been, during all that time, in favor of England, the conclusion is irresistible, that the actual balance of trade must be against us; but to what amount, I admit we cannot ascertain.

It has been said, that as gold is the only legal tender in England, and silver is a mere article of merchandise, and that as the value of silver, compared with that of gold, is much greater in this country, than in England, it is only the apparent rate of exchange which is against us. This circumstance, I admit, proves that the rate of exchange is not so much against us as it appears to be. But, making every allowance for this difference, exchange is, and has been for years, from four to seven per cent. in favor of England. This shows conclusively, that funds in England are always wanted by our merchants in this country; and for what purpose? Is it not self-evident, that it must be to pay the difference between the value of our exports and our imports?

It is perhaps unfortunate that this bill was reported by the Committee on Manufactures. Had one, containing the same principles, emanated from the Committee of Ways and Means, as a revenue measure, it would have encountered much less opposition. I ask gentlemen, however, to look through the form into the substance, and not suffer themselves to be alarmed at the adoption of a wise and politic system, merely because it has been entitled "a bill for the more effectual encouragement and protection of certain domestic manufactures," and not to raise revenue. The title of the bill can at any time be changed, and this would at once destroy one-half of the arguments which have been urged against its passage.

I have thus expressed my ideas respecting the general principles of the bill. It contains provisions, however, to which I am

unfriendly, after having given them the most deliberate consideration. I am willing to encourage the manufacture of wool, by imposing an additional duty of five per cent. upon the importation of the foreign manufacture. The duty will then be thirty per cent. ad valorem. This in my opinion, is sufficient, at least for the present. The provision which declares, that the minimum valuation of each square yard, on which a duty is imposed, shall be eighty cents, would increase the duty to one hundred per cent. upon coarse woolens. This would at once amount to a prohibition of articles of that description—a measure for which the country is not at this time prepared. Although we import a vast quantity of woolen goods from abroad, we have not the raw material to supply even the woolen manufactures which already exist at home. We are, therefore, under the necessity of importing wool itself. What would then be the inevitable consequence of this measure, in the present state of the country? It would for many years, until we could raise wool and establish manufactories sufficient to supply the whole country, double the price of an article essential to the comfort of the poor. It would be a tax levied upon that portion of society least able to sustain it, and given as a premium to the manufacture of wool. Let us proceed gradually. If, after the lapse of years, we shall discover that we have an abundance of the raw material at home, and the manufacture of it is so well understood in the country, that the domestic competition will, in a short time reduce the price as low or lower than that of the foreign manufacture, then, and not till then, should we impose a prohibitory duty. It was thus we proceeded with respect to coarse cottons, and experience has justified the measure. At present, I am opposed to the imposition of a prohibitory duty on any foreign articles, necessary to the comfort of the great body of our people.

I am decidedly in favor of the small additional duty of five dollars per ton, proposed by this bill on foreign iron. In the opinion of the Secretary of the Treasury, this would be strictly a revenue measure. I have made many inquiries on the subject, and the result has been a conviction upon my mind, that, under the new duty, as much of that article would be imported as there is at present. I confess, I was somewhat astonished to hear this proposition opposed with so much earnestness by the gentleman from Massachusetts, (Mr. Baylies,) and the gentleman from Rhode Island, (Mr. Durfee,) particularly the latter. He resides in a manufacturing district. The eastern people have, by the

indulgence and protection of the Government, acquired almost a monopoly of coarse cotton goods. The cottons and the sugars of the South have been amply protected. I am sorry, therefore, to find that gentlemen, from those portions of the Union, are unwilling to afford a small share of that bounty to the Middle States, which has been so liberally extended to them.

It has been stated by the gentleman from New York, (Mr. Cambreleng,) that the manufacturers of this article are now in a prosperous condition. In this he is certainly mistaken. To carry on the manufacture of iron, a great capital and a large body of land, producing timber, are both necessary. Those iron masters who had acquired sufficient wealth to survive the general wreck in which a large proportion of that class of citizens has been involved, are now prospering, if they live in a neighborhood at some distance from the seacoast, in which there is a demand for all the iron they can manufacture. In such a situation they can bring domestic into competition with foreign iron; because, in addition to the duty which it pays, the expense of transportation into the country is added to its price. What is the condition of those manufacturers of iron who have no market in their own neighborhood, and who, in addition to what the article costs them at home, have to pay the price of transporting it to market? Go into the interior and mountainous districts of Pennsylvania, and you will there discover. That country abounds with ore, with wood, and with water power. Some years ago manufactories of iron started up in abundance. They diffused wealth all around them. They afforded the best and surest market to the neighboring country for the products of agriculture. It is now a melancholy spectacle to behold them. They have sunk under the false policy of the Government, and their ruin has essentially injured the whole agricultural community by which they were surrounded.

Will the gentlemen from the East and South refuse to grant this small boon to the farmers and manufacturers of the Middle States? Suppose that the price of iron should be raised to them $5 per ton, which is by no means certain, would they, for the sake of twenty-five cents per hundred, refuse to grant us this trifling advantage? I trust not, especially when they consider that iron is a necessary both in war and in peace, and we ought not to be dependent for its supply on foreign nations.

I am, also, decidedly in favor of an additional duty upon articles manufactured of flax; because it will operate as a direct

encouragement to the growers of that article, and thus favor the agricultural interest.

For the same reason, I am friendly to an additional duty on foreign hemp. The vast and fertile region watered by the Mississippi and its tributary streams, is capable of producing an abundance of that article to supply the demand of the world. Why, then, should we go to Russia for our hemp? Why should we not give to the growers of it some additional encouragement, which will enable them to enter into fair competition, in our own market, with the foreign article? If you will do so, in a very little time hemp will be produced in such abundance, that the price, instead of being increased, will be diminished. It will soon be prepared for use as well as the Russian hemp. I have no wish to prohibit the importation of that article; all I desire is to see a fair competition established in our own market between that of foreign and of domestic growth. May not the agriculturists of the West say, with justice, to the cotton growers of the South, and manufacturers of the East, who have both been protected by the fostering care of the Government—we are your best customers; we consume immense quantities of your goods; why will you, then, go to Russia for your hemp, instead of purchasing it from us? Why will you be dependent upon a foreign nation for an article absolutely necessary to the existence of your Navy, when your own country can afford it in abundance? Whether the additional duty proposed in the present bill be too high or not, I will not say, until I have received further information on the subject.

But, Mr. Chairman, after we shall have done all this, a large and most important portion of your Union will have been comparatively neglected. What have you done for those States whose staple commodity is grain? The island of Great Britain, which supplies you with immense quantities of her manufactures, will not receive in exchange a single bushel of our grain or a barrel of our flour. Their ports are entirely closed against our breadstuffs, because it is their policy to give their own agriculturists exclusive possession of the home market. In adopting any measure for the collection of additional revenue, you should not forget the grain-growing States. It is my intention, therefore, to propose, as an amendment to this bill, that an additional duty of ten cents per gallon be imposed upon foreign spirits. This would operate directly in favor of the farmer, by increasing the price of the grain out of which whiskey is made; and the

moral consequences which would flow from enhancing the price of that article, would be quite as favorable as those which are political. As I intend, when I shall offer the amendment, to present my views upon it somewhat in detail, I shall not now trouble the Committee further upon this subject.

Upon the whole, then, I consider the present measure as one of great importance to the best interests of this country. It is a bill, as much, if not more for the encouragement of agriculture than of manufactures. I have the interests of agriculture at heart. If I could, for a single moment, believe, in the language of the gentleman from Georgia, (Mr. Tattnall,) that this bill would compel the agricultural to bow down before the manufacturing interest, which he has figuratively called the golden calf, I should consider myself a traitor to my country in giving it any support. Believing, however, as I do, that it is a measure fraught with good to all, and doing injury to none, I trust that the gentlemen who have shown so much hostility to it will withdraw their opposition, and assist us in perfecting its details. It may then be made equally advantageous to the East, and to the West, and to the North, and to the South.

REMARKS, FEBRUARY 10, 1823,

AS TO THE PUNISHMENT OF CRIMES.[1]

Mr. Buchanan submitted the following:

Resolved, That the Committee on the Judiciary be instructed to inquire whether there be any, and, if any, what, crimes not now punishable by law, to which punishments ought to be affixed.

In offering this resolution, Mr. B. said, it had been decided that the courts of the United States had no power to punish any act, no matter how criminal in its nature, unless Congress have declared it to be a crime, and annexed a punishment to its perpetration.[2] Offences at the common law, not declared such by acts of Congress, are therefore not within the range of the jurisdiction of the Federal courts. Congress have annexed punishments but to a very few crimes, and those all of an aggravated nature. The consequence is, that a great variety of actions, to which a high degree of moral guilt is attached, and which are

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[1] Annals of Congress, 17 Cong. 2 Sess. 1822–1823, 929.

[2] The case here referred to is United States *v.* Hudson, 7 Cranch, 32.

punished as crimes at the common law, and by every State in the Union, may be committed with impunity on the high seas, and in any place where Congress has exclusive jurisdiction. To afford an example: An assault and battery, with intent to commit murder, may be perpetrated, either on the high seas, or in a fort, magazine, arsenal, or dockyard, belonging to the United States, and there exists no law to punish such an offence.

This is a palpable defect in our system, which requires a remedy; and it is astonishing that none has ever yet been supplied. My attention has been called to the subject by a distinguished professional gentleman now in this city. Mr. B. said he did not expect that any bill could be matured and passed into a law at the present session. If, however, the Judiciary Committee would take the subject into consideration, and report upon it to the House before it rises, it would call public attention to it, and insure the passage of a bill at an early period of the next Congress.

The resolution was then adopted.

TO JOHN SERGEANT.[1]

LANCASTER 9th May 1823.

DEAR SIR/

I have often taken up my pen to write to you since I left Washington but as often laid it down not knowing precisely what I should write. After having collected all the information in my power, I will now at length venture with great diffidence to offer you my opinion as to the propriety of suffering yourself to become a candidate at the approaching election for governor. My advice may perhaps be the more agreeable because I have good reason to believe it will correspond with your own determination.

In my opinion there are many reasons why you should not suffer your name to be used at the present time & perhaps they are such as no one but an individual who feels an interest in your personal welfare would communicate. The party which would nominate you could select no other man who would obtain so many votes. There is a strong probability that you might be elected: nay I believe the chance to be more than equal in your favour. But what then. The contest would be a dreadful one—every effort which malice & low cunning united could bring

[1] From the Buchanan Papers, Historical Society of Pennsylvania.

to bear upon ignorance would be used to blacken your character. After your election the majority of the Legislature would be opposed to you & every endeavour which you might make to improve the condition of the State would be thwarted. You might not be elected & then the hopes of your political preferment either in the general or State government which your friends have been cherishing would at once be blasted.

I think you would risque too much by entering upon the approaching contest. There is no man in the State so universally known & I trust I may add without the imputation of flattery so universally respected as you are yourself among the better classes of people of both parties. There is now little political prejudice against you & the time will come & that ere long when unless something unforeseen should occur you may have any office which either the votes or the influence of the people can confer. The days of the Findlays, the Hiesters, the Greggs, and the Shulzes are fast passing away in Pennsylvania.

I need scarcely add if your friends who are of a different opinion from me should prevail upon you to suffer your name to be used, you may rest assured that whatever little influence I possess shall all be exerted to promote your election. Should you not be a candidate I shall feel but little interest in the approaching contest & shall take no active part.

I intend (Deo volente) to visit the North this summer. Have you any idea of making such an excursion.

Please to present my best respects to Mrs. Sergeant & believe me to be Your sincere friend

JAMES BUCHANAN.

THE HON. JOHN SERGEANT.

1824.

REMARKS, JANUARY 5, 1824,

ON COSTS IN PATENT CASES.[1]

Mr. Webster, from the Committee on the Judiciary, to whom was recommitted a bill concerning costs in certain cases, reported the same, with the amendment directed by the instructions of the House, viz: the substitution of one hundred dollars in place of thirty dollars, as the minimum of damages awarded by a jury, on which costs should be allowed.

[1] Annals of Congress, 18 Cong. 1 Sess. 1823–1824, I. 932–937.

The question being on ordering the bill to be engrossed for a third reading as amended—

Mr. Webster said, that, on the introduction of this bill to the House, a few days ago, he had stated the reason for proposing this bill, to be, that though the law limited the recovery of costs, in the courts of the United States, in general cases, to suits involving an amount not less than five hundred dollars, there was a propriety of a reduction of the minimum in the case of suits by patentees, because it was supposed to be matter of necessity for the patentee to sue in the Federal courts. An honorable member had, on a former occasion, suggested that the State courts have jurisdiction in cases of this description; but, Mr. W. said, if the honorable member would refer to the law, he would see that the act of Congress which creates the right prescribes the remedy, and provides that the patentee may sue for it in the circuit courts of the United States, and under that phraseology it was presumed that he could not sue elsewhere than in those courts.

Mr. Buchanan had objections to the whole bill. What, asked he, is the law in the case of patentees as it now stands? A most extraordinary distinction over other clients is made in their favor, by granting them judgment for three times the amount of damages awarded by a jury. And what does the bill, now before the House, propose to do in favor of those favored individuals? To superadd costs to that treble verdict. He would ask whether such a measure is right; whether it is politic; whether it is just? He thought it would be neither. He thought it far better to let the law remain as it now stands. What had been the history of this country on the subject of patent rights? It was known to all, that the privilege granted by the patent law, had been extensively diffused through the Union. The number of patents actually issued was very great; the number pretended to be enjoyed was greater still. Impositions were multiplied. In some districts of the Union very large amounts of money had been collected from such as were afraid of the expense of a law suit, by persons claiming to have a patent for the use or manufacture of certain articles; and, after they had gone through a whole region, thus practicing on the fears or ignorance of the inhabitants, it turned out, when at last some one had hardihood enough to contest their claim, that they had no right at all. This was especially the case in those States which were of extensive size, and the distance from the circuit court occasioned formidable expense in resorting to trial. The claimant brings a patent in his

hand, and thus has *prima facie* evidence of the validity of his right; he asks, perhaps, but eight or ten dollars for the article; who would not rather pay that sum than run the risk of travelling one or two hundred miles, to the circuit court, taking witnesses with him, at the risk, if he fails, of having treble damages to pay, and, if this bill passes, costs to boot? He could scarce conceive of a measure better calculated to enable designing men to roam at large and prey upon the community. He thought, for his part, that the law was already hard enough. It gave already enormous advantages to the patentee over his opponent; and, if costs were to be superadded, it destroyed all prospect of successful contest. Costs, it must be remembered, are, in their nature, very indeterminate; their amount might increase to such a sum as would ruin a man. To be sure, the amendment now reported makes the bill better, so far as it goes; but, even under the bill, as amended, if a patentee does but obtain a verdict for thirty-four dollars, he gets his costs also allowed him, because treble the verdict runs over one hundred dollars, and brings him within the provisions of the bill. Is it not proper, asked Mr. B., that the pretended patentee shall first be made to establish his right before his opponent is threatened with treble damages and costs? He thought the law should at least be left unaltered; for himself, he felt more disposed to curtail than to extend it.

Mr. Livermore said, that, at first, he had viewed the object and provisions of the present bill as proper and expedient; but, on further reflection, he had seen reason to alter that opinion. He thought, however, that the fault of the system did not lie so much in that feature of it which allowed costs where damages over one hundred dollars were obtained, but in that which previously allowed the verdict of the jury to be treble. Why should not suitors under the patent law be placed on the same footing with other suitors? The alteration he wished to prevail was to repeal the treble damages and allow costs in all cases. But, if it should be deemed proper to alter that provision, then he thought that costs should be given, rather where the amount was under one hundred dollars than over that sum. If a verdict was obtained for ten dollars and treble, the additional twenty dollars was not likely to be enough to cover the costs. He wished to see the whole system placed under the Committee on the Judiciary to be remodelled; he would also give the State courts concurrent jurisdiction with those of the United States, in cases under the patent law.

Mr. Webster, in reply to Mr. Buchanan, said, that he felt no particular anxiety on the subject of this bill; but, having charge of the bill, it seemed proper of him to say something in its defence. The House would recollect, he said, that this whole case of patents is taken, by the law, out of the hands of the State courts, the jurisdiction over it being exclusively reserved to the courts of the United States. The power of legislating on this subject is taken from the States by the Constitution of the United States. And, at this time of day, and before this Assembly, Mr. W. said he need not argue that the right of the inventor is a high property; it is the fruit of his mind—it belongs to him more than any other property—he does not inherit it—he takes it by no man's gift—it peculiarly belongs to him, and he ought to be protected in the enjoyment of it. Precisely as the arts advance, Mr. W. went on to say, does property of this description become valuable; where the nicest machinery is in operation, it is there that the improvements of inventors are in the highest estimation—and with regard to those branches of industry which have been most successful in this country, they are more indebted to the ingenuity of inventors—to the power of mind in the improvement of machinery, than to another species of aid which they have received from time to time. It is to encourage these inventions that our patent laws are designed. Is it any answer to this argument in their favor, that impositions are sometimes practiced under cover of these laws? Is it not so with everything else? With regard to land, for example—are there not many persons pretending to have titles to land who really have no title? Are there not as many speculations in landed property as in the property of mind? And shall a man not recover his right to land because the world is full of pretensions of right to land where no right exists? Surely not. It was said by an honorable member from the West the other day, that the people in his part of the country did not know that there was such a thing as a patent office in the country, or such a clause in the Constitution as that which relates to patent rights. Mr. W. said, he did not know that on this account the House should accommodate its legislation precisely to that state of information. The error was not in the Constitution or the patent laws, but in the want of knowledge among the people, and could only be corrected by its diffusion. In restricting the patentee to the recovery of mere judicial damages, Mr. W. continued, justice was not done to him. He cannot sue for all his right at once, because the violations by which he is deprived of it are numerous. Sup-

pose you were to compel a man, in suing for land, to sue for it acre by acre—he might get his land, indeed, but he would be ruined by the process of recovery. It was because the particular injury in the case of the violation of a patent right was small, and the expense of redressing it great, that the provision of this bill appeared to be expedient. A redress of the actual injury was not sufficient in this class of cases—if the penalty for the violation was not sufficient to act *in terrorem,* it was nothing. Do not all penal statutes, Mr. W. asked, go on the ground, that damages are not only to be given to indemnify a sufferer in a particular case, but to such an amount as to deter others from doing the like? The argument of the gentleman from Pennsylvania, besides, went too far. If the damages are awarded at five hundred dollars, as the law now stands, costs are allowed; whilst, if the damages be but ten dollars, they are not allowed. What justice was there in this? Where an action is brought to recover damages for the use of an invention or improvement in machinery, the common rule is, to settle the amount of damages at the sale price of the article; and one of the injurious consequences to defendants themselves, from the present state of the law, is, that the juries give as much damages as will carry the costs. He could assure the gentleman from Pennsylvania, whatever might be said in other parts of the country, there was no right which an independent jury of the part of the country in which he resided would protect with more certainty or vigilance, than the patent right. In a clear case, where the intention to deprive the inventor of the benefit of his patent was obvious, the jury would, in almost any case, give damages to the full amount of five hundred dollars. This bill, therefore, would, in this respect, be beneficial to the defendants themselves. On the part of patentees, there were so many things to be proved—for instance, that the invention is new, that it is useful, that the specification is accurate, &c.—so much nicety was required, as to throw sufficient obstacles in his way. The right of the patentee, Mr. W. said, was one which the Constitution of the United States had authorized and enjoined upon Congress to protect; the party injured has no security or resort elsewhere, but to the courts of the United States; and if it was reasonable that in such case he should be entitled to recover costs where the damages amount to one hundred dollars, then this bill ought to pass; if not, it ought not to pass.

Mr. Buchanan, in reply, observed, that no one could be more disposed to protect the just rights of patentees than he was; nor

could any person concur more heartily than he did in the sentiments of the honorable gentleman from Massachusetts respecting the property which an inventor has in that which is the product of his own genius; yet, he held it to be a principle in legislation, while guarding the rights of one individual, not to forget or to impair those of the rest of the community. A wise legislator was bound to give equal protection to the rights of all. Ever since the passage of the patent law under the Constitution, the courts had been open to patentees, and the burden of proof had always been cast on the violator of his patent. He must prove that his act was no violation of the patent, or that the patent was in itself invalid. This operated, at least in that part of the Union which he had the honor to represent, as a great hardship; yet it had been cheerfully submitted to, and the mere production of the patent was allowed to be presumptive evidence in favor of the patentee. But the law went farther; it not only threw the burden of proof on the alleged violator, but it tripled all damages against him. And now it was proposed to go farther still, and to allow all costs in the bargain, wherever these damages should, when tripled, amount to $100. Had he rightly heard and understood the gentleman from Massachusetts? Did he say that, in that part of the Union, a jury would always give a verdict of $500? If such were the fact, he did not wonder that the voice of the community was never heard against the provisions of the law. Who would not rather pay $10 than run the risk of a verdict of $500, to be tripled, with costs? No wonder there was a deep silence. The act, as amended by this bill, placed the community at the mercy of patentees. To oblige a man to go two or three hundred miles to court, then oblige him to prove the patent false, and, if he fails, to make him pay triple damages, and costs of suit, is to place an array of obstacles in the way that must, in most cases, effectually prevent the validity of patents from being ever contested. Such ought not to be the practical operation of law on this subject. If the law is left as it now stands, will the patentee suffer any injury? None at all. Suppose his patent is a good and valid one, and suppose he has to sue in order to establish that fact, will not such a suit be, in effect, a benefit? Can he not thenceforth exhibit with his patent the verdict that has confirmed it? But, if this bill becomes a law, it will go forth throughout the country to let loose unprincipled pretenders to prowl upon the community. He was very sorry it had been his lot to differ in opinion from the honorable member from Massachusetts, for

whose opinions no man cherished a more profound respect; but he had been reluctantly urged by a sense of duty to oppose a bill which he conceived to be fraught with injury.

Mr. Clarke, of New York, then moved

That the bill, with the amendment, be recommitted to the Committee on the Judiciary, with instructions to inquire into the expediency of repealing so much of the law upon the subject of the violation of patents, as provides for the recovery of triple damages in suits brought by patentees for such violation, and that where judgment shall pass for defendant, or the plaintiff become non-suit, or suffer discontinuance, the defendant shall recover double costs.

The motion was agreed to, and the bill recommitted accordingly.

REMARKS, JANUARY 15, 1824,

ON THE ERECTION OF A MONUMENT TO WASHINGTON IN THE CAPITOL.[1]

Mr. Buchanan presented the following resolution:

Resolved, That a committee be appointed, whose duty it shall be to inquire in what manner the resolutions of Congress, passed on the 24th December, 1799, relative to the erection of a marble monument in the Capitol, at the City of Washington, to commemorate the great events of the military and political life of General Washington, may be best accomplished, and that they have leave to report by bill or otherwise.

Mr. Buchanan said, the House would, he trusted, excuse him for making a few observations in explanation of the motives which had impelled him to offer the resolution now under consideration. On the 24th December, 1799, the Congress of the United States resolved, "That a marble monument be erected by the United States, in the Capitol, at the City of Washington, and that the family of General Washington be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life." They also resolved, "That the President of the United States be requested to direct a copy of these resolutions to be transmitted to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence on the late afflicting dispensations of Providence; and entreating her assent to the interment of the remains of Gen-

[1] Annals of Congress, 18 Cong. 1 Sess. 1823–1824, 1044–1048.

eral George Washington in the manner expressed in the first resolution." The then President of the United States transmitted these resolutions to Mrs. Washington, who, on the 31st December, 1799, returned an answer, which I will take leave to read to the House:

MOUNT VERNON, Dec. 31, 1799.

SIR: While I feel with keenest anguish, the late dispensation of Divine Providence, I cannot be insensible to the mournful tributes of respect and veneration which are paid to the memory of my dear deceased husband; and, as his best services and most anxious wishes were always devoted to the welfare and happiness of his country, to know that they were truly appreciated, and gratefully remembered, affords no inconsiderable consolation.

Taught by that great example which I have so long had before me, never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me; and in doing this I need not, I cannot say what a sacrifice of individual feeling I make to a sense of public duty.

With grateful acknowledgments, and unfeigned thanks, for the personal respect, and evidences of condolence, expressed by Congress, and yourself.

I remain, very respectfully,

Sir, your most obed't humble servant,

MARTHA WASHINGTON.

During the same session of Congress, a bill passed the House of Representatives for erecting a mausoleum for George Washington in the City of Washington. It was postponed in the Senate until the next session. Several attempts have since been made in Congress to redeem the plighted faith of the nation, but they have all proved unavailing. The man who was emphatically first in war, first in peace, and first in the hearts of his countrymen, has been sleeping with his fathers for almost a quarter of a century, and his mortal remains have yet been unhonored by that people, who, with justice, call him the father of their country.

It is difficult to determine, whether this neglect be more impolitic or ungrateful. Every wise nation has paid honors to the memory of the men who have been the saviours of their country. Sculpture and painting have vied with each other, in transmitting their images and the memory of their deeds to the remotest generations. By these means, the holy fire of virtuous emulation has been kindled in the bosoms of the youth of succeeding ages.

Our country has produced a General, whose prudence and perseverance, whose courage and military skill, conquered our independence, against fearful odds, from the most powerful nation on earth; and what is still more wonderful, was never intoxicated by the illusions of military glory. Our country has

given birth to a statesman, who was chiefly instrumental in converting the chaos of the old Confederation, into the most perfect fabric of human wisdom—the Federal Constitution; and whose conduct, as President of the United States, was characterized by such wisdom and virtue, that, after the strictest examination, it is now admitted to be the most proper guide, to direct us in the path which leads to the nation's prosperity and glory. In short, our country has produced a Washington; he has been dead for four and twenty years, and we have erected no monument on which to record his virtues, and our gratitude.

Mr. B. said, that Congress, by neglecting, for so long a period, to accomplish the object of the resolutions, had been subjected to the imputation of perfidy, as well as ingratitude. We made a solemn promise to the widowed partner of Washington, and to the people of the United States, by a legislative act, that we would erect a monument to his memory. That distinguished lady has long slumbered with him in the grave, and this pledge has never yet been redeemed. Although his mortal remains, have, at our request, and by her consent, become the property of the public, yet they still lie neglected. Indeed, I have been credibly informed, that an attempt has been made to steal them away from his country, which had almost proved successful.

Do we, Mr. Speaker, consider it a matter of necessity, in all respects, to preserve the public faith inviolate? And shall we prove faithless only in what concerns the memory of Washington? The danger of the precedent, the argument so often repeated in this House, against the adoption of measures, will, in this case, be unavailing. The long list of ages, which preceded the birth of Washington, had never presented a human character so perfect; and there is but a bare possibility that future generations will produce his equal.

Mr. B. hoped the resolution would pass unanimously.

(Here Mr. Cary, of Georgia, made some remarks, in which he argued that the practice of erecting monuments to illustrious men originated in times before the light of reason had penetrated the darkness of society; that it represented a spirit of vanity, unsuited to America; and that the monument to Washington should be in the bosoms of the people.)

Mr. Buchanan observed, in reply, that when he brought forward the resolution he had the honor to present to the House, he did not suppose that any gentleman would feel it to be his duty to oppose its adoption. He differed wholly from the honor-

able gentleman from Georgia. That gentleman maintained that it was not proper for a Republic, by monumental marble, to excite its citizens to virtuous deeds by publicly honoring the memory of those who had been the benefactors of their country. He, on the contrary, thought that in the case of Republics there was in the practice a peculiar and special propriety. Such monuments had, in all ages and countries, exerted a powerful effect in inciting men to patriotic virtue; our Government rests, its very foundations are laid, on that virtue; and it therefore seemed in a peculiar manner adapted to the circumstances of this Republic. It was, too, a practice which had been already sanctioned by the example of some of the most respectable States in the Union. But it was now too late to talk about the policy of the measure. Is not, asked Mr. B., the faith of the nation pledged? Has not the measure been publicly resolved upon by both Houses of Congress? Has it not received the sanction of the President of the United States? Is the country to promise to-day, and violate its promise to-morrow? The faith of the Government, pledged twenty-five years since, to the family of the deceased, and to the American people, has never, to this day, been redeemed. Shall we hold all our contracts inviolable but this? As to the precedent, that question has already been settled; the pledge has been given. And were gentlemen alarmed at the danger of such a precedent? They might calm their apprehensions; there was not the remotest danger of such another case recurring. The world, in its long course of days, had never beheld such a man before; and, in all the march of time, there was little probability of the world's ever seeing such another; and for himself, Mr. B. said, he felt so deeply the obligation to redeem the pledged promise of the nation, that, though little accustomed to make such requests, he must ask that the yeas and nays might be recorded.

The resolution was ordered to lie on the table, by a vote of 97 to 67.

REMARKS, FEBRUARY 16, 17, 19, AND 26, 1824,

ON A PROPOSED DUTY OF SIX CENTS A YARD ON IMPORTED COTTON BAGGING.[1]

[Feb. 16.] Mr. Buchanan said that much embarrassment had arisen from uncertainty in the amount per cent. to which

[1] Annals of Congress, 18 Cong. 1 Sess. 1823–1824, I. 1546, 1547, 1565, 1566, 1590, 1678.

the bill contemplated to raise the present duty on bagging. Some gentlemen stated it to be 25 per cent., others 30, others 80, others, again, over 100. He said he was favorable to the cause of manufactures, and thought it ought to be protected; but not by going faster than the growth of manufactures would warrant. He thought, as the farmers of the West had no market for their grain, that their hemp ought to be brought into fair competition with that of foreigners; this was as far as he would go. He was willing, on the article now under consideration, to vote for a duty of 10 instead of 20 per cent. additional. He was informed that 4½ cents per square yard would be equal to a total duty of 30 per cent., and this he should move, if the present duty was not carried.

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Mr. Buchanan replied to Mr. Tod, and said he was sorry the gentleman was willing to risk, as he said, the whole bill on such a desperate hazard as the passing of this duty—a duty, he was prepared to show, greater than that on any other article in the whole bill. He approved the duty on hemp, and was willing to make that on bagging equal to it. He thought the proposed duty out of proportion, and much greater than needful. He censured the implied threats of resistance thrown out by a gentleman from Georgia. Such language tended to disunion, and ought to be repressed.[1] Yet he believed that Congress might go so far (in proposing, for instance, a direct land tax for the support of manufactures) that the people would rise in their majesty, and overwhelm the act, factories, and all. By going too far, gentlemen only incurred the danger of reaction.

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[Feb. 17.] Mr. Buchanan disclaimed the principles advanced by the gentleman from Virginia,[2] (Mr. Mercer,) he was in favor of the general system proposed by the bill—it was the settled policy of this country—we had advanced from one tariff to another on that principle, and we now had a third, but we

[1] Mr. Cobb, of Georgia, in opposing the proposed duty, "ended, by intimating, that, although the people of the South were orderly and submissive to the authority of their Government, there might be a point, to which, if prohibitions should be pushed, they would be resisted." (Annals of Congress, 18 Cong. 1 Sess. I. 1544.)

[2] That the bill was opposed at least to the spirit of the Constitution.

should advance with cautious steps, and not injure the kindred interests of agriculture and commerce. He entirely agreed with the honorable Speaker in the sentiments avowed in the close of his speech; there must be a system of mutual concession—we must agree to give and take. He was equally opposed to both extremes proposed; one party said, strike out the duty altogether; to this he could not consent—he would indeed rejoice to see trade perfectly unshackled; but, while other countries surrounded it with protecting restrictions, we must do so too in self-defence. Another party were for raising the duty from twenty to forty per cent.; he thought this too much; we must have some regard to revenue. He was for pursuing a middle course, which, though it might not at once drive the Dundee manufacturer out of the market, would give life and vigor to our own factories, and enable them to compete with him.

Mr. B. then moved to strike out 6, and insert 2½ cents per square yard. This he hoped would meet the wishes of both parties: as to the general discussion of the principles of the bill, he hoped it would not be gone into; he had derived more instruction from hearing the details of the bill discussed thus far, than he should have done from listening for a month to long sermons on political economy.

Mr. Cambreleng observed, in reply, that he had no inclination to deliver what the honorable gentleman was pleased to call a sermon on political economy; but he must say, that he had listened to many a long speech in the present discussion, which was not on the bill at all; for, if he understood the bill, and the honorable Speaker and the Chairman of the Committee understood it, the gentleman last up certainly did not understand it.

Mr. Brent expressed the idea that the whole bill, if intended not for protection, but for revenue, was out of order; for then it could not properly be reported by the Committee on Manufactures, but ought to have come from the Committee of Ways and Means. If the question on his motion to strike out could not be put, a question on the passage of the bill itself must be equally out of order.

Mr. Buchanan then rose and said, that, in compliance with the request of his friends, rather than the dictates of his own judgment, he consented to withdraw his amendment.

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[Feb. 19.] Mr. Buchanan thought this a most extraordinary resolution.[1] After the bill had been almost a month under discussion, when the measure had been examined by every newspaper in the country for years past, and the whole nation had taken sides on the question, that Congress should formally ask for information as to what would be the operation of the bill! He thought gentlemen were competent to obtain this information for themselves, or why were they sent here? The gentleman from Louisiana had now come fairly out, and avowed his willingness for delay; but it was delay that ruined the bill last session, and delay would destroy it now. The Chairman of the Committee of Ways and Means had expressed his opinion—the members of that Committee were all in the House: Why send them out to make a long report, and then occupy as much time afterwards as before it? It was unreasonable to find fault with the Chairman of the Committee of Manufactures, for not laying a general statement before the House; he had not been called on to do so—the debate having thus far been almost confined to cotton bagging. When necessary, he doubted not that gentleman was fully prepared to show what would be the operation of the whole bill, and of all its parts.

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[Feb. 26.] Mr. Buchanan then renewed his motion to change the duty [on cotton bagging] from six cents to four-and-a-half cents per square yard, which was agreed to—ayes 119.

REMARKS, FEBRUARY 27, 1824,

ON A PROPOSED DUTY OF TWENTY-FIVE CENTS PER BUSHEL ON WHEAT.[2]

Mr. Buchanan, of Pennsylvania, spoke in favor of the duty. Let the Canadian grain growers go down their own river. While our own farmers are struggling for a market, shall we bring strangers into that market on a cheaper footing than they could otherwise get there, by the use of our facilities? Europe is now in profound peace; she can grow wheat enough for her own

[1] A resolution to direct the Committee of Ways and Means to examine and report what would be the effect of the bill on the revenues. (Annals of Congress, 18 Cong. 1 Sess. I. 1586.)

[2] Annals of Congress, 18 Cong. 1 Sess. 1823–1824, I. 1696.

consumption, and that of her dependencies; she may soon go farther, and seek to get the supplying of us. Let us anticipate such an idea, and meet them with a duty at our threshold.

REMARKS, FEBRUARY 28, 1824,

ON THE PROPOSED DUTY ON BAR IRON.[1]

Mr. Buchanan, of Pennsylvania, followed Mr. Fuller. He said, that the duty upon bar iron, according to the existing tariff, was fifteen dollars per ton. This bill proposes to increase it to $22.50—and the question for the Committee to decide, was the policy of this measure.

It has been contended, said Mr. B., by the gentleman from Massachusetts, (Mr. Fuller,) that bar iron might be considered as almost a raw material. If that gentleman intended to convey the idea, that the manufacture of this article requires but little capital, he is entirely mistaken. The man who expects to prosecute it with success, ought not only to possess a considerable active capital, but a large body of land covered with timber. Before the ore is manufactured into bar iron, it undergoes two distinct processes, at different factories. At the furnace it is converted into pig metal, which, in the forge, is manufactured into bar iron. These factories are generally distinct, and each of them requires a large capital. If, therefore, you suffer the manufactories of iron to be destroyed, and the capital invested in them to be diverted into other channels, it will be difficult to restore them, when the necessities of the country may demand such a measure.

The gentleman from Massachusetts (Mr. Fuller) has alleged that the manufacturers of iron, in Pennsylvania, are now in a prosperous condition. It is true, said Mr. B., that a few of the ironmasters, who had acquired sufficient wealth to survive the general wreck in which a large proportion of that class of our citizens has been involved, have been able to support themselves. This, however, has been the case only with respect to those who reside at some distance from the seacoast, and in a neighborhood in which there is a demand for all the iron they can manufacture. Foreign iron, before it can come into competition with theirs, must, in addition to the present duty, pay the expense of transportation into the country. Such individuals, by the ruin of rival

[1] Annals of Congress, 18 Cong. 1 Sess. 1824, II. 1709–1712.

manufacturers, and by the consequent destruction of domestic competition within their sphere, have become the monopolists of their neighboring markets. In this manner, the farmer is compelled to pay a much greater price for his iron, than he would be obliged to give, if the protecting power of the Government would recall into existence those rival manufactories, which have sunk under its neglect. What, Mr. Chairman, is the condition of those manufacturers residing in the interior, who have no market at home, but must depend upon that of the Atlantic cities? As it regards them, the picture is reversed. In addition to the first cost of their iron, they are compelled to incur the expense of transporting it to a market where it comes into competition with that from Russia and Sweden. Such ironmasters, under the present tariff, must inevitably be ruined, if they should continue in the business. They would lose upon every ton of iron which they manufacture. The consequence has been, that most of them, in this situation, have been compelled to stop.

Sir, said Mr. B., the traveller, if he had gone into the interior and mountainous districts of Pennsylvania, but a few years ago, would have found a great number of furnaces and forges in active operation. Their owners were not only prosperous themselves, but they spread prosperity around them. These manufactories presented the best and surest market to the neighboring country, for the products of agriculture. Thus, they diffused wealth among the people, money circulated freely, and the manufacturer and the farmer were equally benefited.

The present aspect of those districts presents a melancholy contrast to that which I have just described. It is a just comment upon the policy of that country which will not afford a reasonable protection to its own domestic industry, and thereby gives to foreigners a decided preference in its markets. Although that portion of Pennsylvania abounds with ore, with wood, and with water power, yet its manufactories generally have sunk into ruin, and exist only as standing monuments of the false policy of the Government. The manufacturers and their laborers have both been thrown out of employment, and the neighboring farmer is without a market.

Sir, said Mr. B., the records of your Government prove, conclusively, that foreign iron is rapidly driving domestic competition out of the market. In the year 1819, 16,241 tons of foreign hammered iron were imported. In the year 1822, it had increased to 26,508 tons. What it was during the last year, I have not been

able to ascertain with precision, but I am informed, that it has been regularly progressing in the same proportion. Thus, we perceive, that, in the short space of three years, the increase has been more than ten thousand tons.

Can any statesman, said Mr. B., regard this process with indifference? Is it the policy of this nation to suffer the manufacture of iron to be destroyed? Can any gentleman for a moment sanction such an opinion? No nation can be perfectly independent, which depends upon foreign countries for its supply of iron. It is an article equally necessary in peace and in war. Without a plentiful supply of it, we cannot provide for the common defence. Can we so soon have forgotten the lesson which experience taught us, during the late war with Great Britain? Our foreign supply was then cut off, and we could not manufacture in sufficient quantities for the increased domestic demand. The price of the article became extravagant, and both the Government and the agriculturist were compelled to pay double the sum for which they might have purchased it, had its manufacture, before that period, been encouraged by proper protecting duties. We cannot now always expect to remain at peace; and the only means of securing to ourselves, in time of war, an abundant supply of this necessary article, at a cheap rate, is to encourage its manufacture, whilst we are on terms of friendship with all nations.

But after all, Mr. Chairman, what do we ask by this bill for the manufacturers of iron? Not a prohibitory duty, as the gentleman from Massachusetts (Mr. Fuller) seems to suppose, which will exclude foreign iron from our market. We wish only to infuse into our own manufactures sufficient vigor to enable them to struggle against foreign competition. Protection, not prohibition, is our object. The revenue which the country at present derives from foreign iron will, for several years at least, be increased by the proposed additional duty; and at the same time a most important branch of our domestic industry will be gradually cherished. For the proof of this assertion, I refer to the opinion advanced by the Secretary of the Treasury, in his annual report, during the last session, on the state of the finances. In it he distinctly declares " that the duties upon glass and paper, upon iron and lead, and upon all articles composed of the two latter materials, may be increased," " with a view to the augmentation of the revenue." His report during the present session shows that he still entertains the same opinion.

Mr. B. said, revenue was at this time an important consid-

eration. In the imposition of new duties, we should not lose sight of the Treasury. Notwithstanding the siren notes which we have heard on this floor concerning the prosperous condition of our revenue, we know that we are in debt about ninety millions of dollars; a great part of which will become payable before our ordinary resources will enable us to extinguish it. Mr. B. said it was his opinion that, should this bill pass, with a very few amendments, it would for some years considerably increase the revenue of the country, and assist in enabling us to discharge our national debt. The proper occasion, however, has not yet arrived for such a general investigation.

As it regards the article of iron, we may fairly infer, from the history of its importation, that the proposed addition to the duty will increase the revenue. In determining this question, we should inquire whether the foreign importation is increasing under the existing tariff; and if so, whether slowly or rapidly. According to this advance, we may proportion the additional duty, always keeping within reasonable limits. We find that in three years the increase has been more than ten thousand tons. Under the operation of this bill, the revenue will be augmented until the quantity imported shall be less by one-third than it is at present. No person acquainted with the condition of the iron manufactories of the country can suppose that they will be able to produce this effect for many years to come under an additional duty of only $7.50 per ton. It will, however, afford them that gradual protection which is in accordance with the settled policy of this nation: a policy which, whilst it encourages domestic manufactures, never loses sight of the great interests of agriculture and commerce.

Mr. B. said there was no article from the importation of which a duty might be more fairly derived than iron. It would not in any degree be partial in its operation. Its use was universal, and all parts of the Union would, therefore, contribute their fair proportion. Mr. B. concluded by observing that there was no item in the bill which had fairer claims to be retained than the article of iron.

REMARKS, MARCH 4, 1824,

ON THE DUTY ON WOOLLEN GOODS.[1]

Mr. Buchanan, of Pennsylvania, supported the amendment, as a measure proper in itself, and calculated to promote a spirit of mutual conciliation. The present duty on woollen goods is twenty-five per cent. ad valorem—the bill would raise it to thirty-three and a third. The minimum proposed by the amendment is forty cents per square yard; a yard of coarse baize costs eight pence sterling; the ad valorem duty, as amended, is equal to eighty per cent.; without the amendment, it will amount to one hundred and thirty per cent. He thought we were not yet ready for a prohibitory duty on coarse woollens; to which article the arguments from coarse cottons did not apply, because cotton was abundant—wool was not. The amount imported last year was one million six hundred thousand pounds—worth three hundred and forty thousand dollars. By going too rapidly, in pressing the system, we shall injure both the consumer and the manufacturer. If the raw material was abundant, he should oppose any reduction of the minimum; but at present he should advocate the amendment.

REMARKS, MARCH 23, 1824,

ON A MOTION TO REDUCE THE PROPOSED DUTY ON HEMP FROM TWO CENTS A POUND TO ONE AND ONE-HALF CENTS.[2]

The debate was then resumed by Mr. Buchanan, who advocated the duty proposed in the bill, and opposed the amendment, as did also Mr. Tod and Mr. Speaker Clay. It was supported by Messrs. Webster, Mercer, P. P. Barbour, Foot of Connecticut, Cambreleng, and McKim. The debate was continued in a series of speeches, abounding with fact and argument, and occasionally enlivened with attack and retort, in which humor was chastened by decorum.

The following are Mr. Buchanan's remarks in reply to Mr. Reed:

Mr. Buchanan said that, in rising to reply to the gentleman from Massachusetts, (Mr. Reed,) he did not intend to follow him

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[1] Annals of Congress, 18 Cong. 1 Sess. 1824, II. 1742.

[2] Annals of Congress, 18 Cong. 1 Sess. 1824, II. 1888–1893.

through the excursive range which he had taken. Judging from the speech alone, a stranger to the question might be induced to believe that the measure under discussion was one, the adoption of which would, in its consequences, destroy the commerce and navigation of the country, and endanger the existence of its navy. Mr. B. said that, able and ingenious as had been the speech of the gentleman, he must be permitted to say that a large proportion of it had but a very remote application to the subject.

What, said Mr. B., is the real question now under discussion? By the existing tariff of 1816, the duty upon the importation of foreign hemp is 150 cents upon each 112 lbs. The present bill proposes to increase that duty, which is now equal to 134 cents on the 100 lbs., and to make it 200 cents upon each 100 lbs. And yet this comparatively unimportant measure has given birth to all the fearful predictions of the gentleman from Massachusetts.

Mr. B. said, if there is a single clause in the bill in perfect accordance with the principles and the policy by which its friends profess to be guided, it is the one now under discussion. If it cannot be supported, we may begin to despair of the passage of the bill through this House.

Mr. B. said it would conduce to a proper understanding of the subject, and, in his opinion, at once demolish the greater part of the argument of the gentleman from Massachusetts, to ascertain and fix with precision the nature of the question under discussion. For this purpose, it is necessary that we should discover the ad valorem duty to which the present specific duty would be equal. In doing so, I shall refer to the authentic official documents prepared by the Secretary of the Treasury under the authority of Mr. Sanford's law, and not to a private letter, such as that upon which the gentleman from Massachusetts (Mr. Webster) has founded his calculations. The writer of that letter, it is fair to presume, must have felt a deep interest in this subject, otherwise he would not have taken the trouble of supplying the gentleman with information. When we reflect that self-interest is the most fruitful source of prejudice, and that, if the letter be correct, then are the official Treasury reports altogether deceptive, I take it for granted that the Committee will have but little difficulty in deciding which is entitled to the preference.

From these reports, it appears that the average cost of foreign hemp in the ports from which it was exported, must have been in 1821, $5.92 per cwt.; in 1822, $5.91; and in 1823, $5.83. For the purpose of my argument, I will assume that its average value,

for the last three years, on board of the vessel at the place of exportation, has been $118 per ton. This comes within a fraction of the truth, as any gentleman may discover by making the calculation. In order to ascertain what ad valorem duty would be equal to the present specific duty of $30 per ton, we must add to this $118 the ten per cent. required to be added by existing laws, in estimating an ad valorem duty. This would make the dutiable value of the article $129.80 per ton; and of consequence the present specific duty is equal to an ad valorem duty of about 23 per cent. The duty proposed by this bill would, therefore, be equal to an ad valorem duty of about 34 per cent., and would be an addition of only 11 per cent., ad valorem, to the existing impost. These simple facts, taken from official documents in the hands of every member of the Committee, would of themselves be a satisfactory answer to nearly all the arguments of the gentleman from Massachusetts, (Mr. Reed.) His conclusions have resulted from mistaken premises.

But, said Mr. B., I will now exhibit to the view of the Committee another statement, derived from the same official source, which I venture to predict will astonish every person whose attention has not been directed particularly to the subject. In 1819 there were 25,578 tons of foreign hemp, on which a duty was paid, imported into this country. In 1820 there were 46,853; in 1821, 59,963; and in 1822 it had increased to 98,058 tons. Thus, under the operation of the existing duty, in the short space of three years the increase has been nearly fourfold.

In this manner, Mr. Chairman, the astonishing spectacle is presented to the world of an agricultural nation, possessing millions of acres of land capable of producing the finest hemp, dependent for its supply of that necessary article upon a distant country. There must be something rotten in the system of policy from which such consequences proceed. The rapid increase of the importation of the foreign article demonstrates that an additional duty is absolutely necessary to check its further progress, unless you wish to give the growers of the article in Russia an exclusive monopoly of our market in preference to our own farmers. The additional duty proposed is moderate; it is no more than a protective duty in favor of our own agriculture, and will not, at least for many years to come, prohibit the importation of foreign hemp.

If, said Mr. B., I understand the great principle of this bill, it is that a moderate additional protection shall be afforded to

those manufactures, the raw material of which either is, or may be made, abundant in this country. Where this raw material is a product of agriculture, it has a peculiar claim to our favor; because, by that means, the agricultural interest, which, of all others, we should the most cherish, and which, in the Middle and Western States, is now very much depressed, will be promoted. When, in addition to these considerations, we reflect that hemp is an article essential to our naval defence, it has claims to our regard which are at least equal to any one in the bill. And yet the policy which we have been pursuing, if we continue to persist in it, will render us entirely dependent upon Russia for our supply.

The gentleman from Massachusetts (Mr. Reed) has contended that the domestic hemp is not equal in quality to the foreign; and, in order to establish this position, he has read the letter from the Commissioners of the Navy, dated 27th January, 1824.

This authority is, I think, exceedingly unfortunate for the support of the argument. I will read one paragraph of it, which will place the subject in its proper light:

"The reasons, say the Commissioners, which entitle Russia hemp to a preference, are to be found, solely, it is believed, in the manner of preparing it for market. In its natural state, American hemp is, unquestionably, as good as that of any other country; and numerous experiments prove the fact, that, when prepared as Russia hemp is, it is fully equal to the best Russia hemp, and, indeed, superior to that generally imported. The Russian method is called 'water rotting;' that practised in the United States, 'dew rotting.'"

This proves conclusively that the American hemp, when taken from the ground, is equal, if not superior, in quality, to that produced in Russia. The difference is in the manner of preparing it for market. The Russian hemp is *water rotted;* the American has heretofore generally been *dew rotted.*

Is there any obstacle to prevent us from water rotting hemp? Certainly not; there is water in abundance, for that purpose, in many parts of the Union which are well adapted to its growth. We have been informed by the Speaker, that the process of water rotting American hemp, has already commenced in several places. Such an additional encouragement to the American farmer as this bill will afford, should it be enacted into a law, will enable him, in a short time, to come into fair competition with the Russian hemp grower, and to bring into the home market, water rotted

hemp, of home production, fully equal, if not superior in quality, to that for which we are now dependent on a foreign nation. Is there any American who would not rejoice at such an event?

Will this additional duty, said Mr. B., injure the navigating interest of the country? I admit that it may, for a very short time, enhance the price of hemp a trifle; but it cannot produce any of the evils to that interest which the gentleman from Massachusetts (Mr. Reed) seems to dread. The effect of this measure will be to create a competition, not only between the foreign and domestic hemp growers, but among the domestic hemp growers themselves—and the consequence will be an eventual reduction in the price. The experience of this country, in regard to other articles, justifies this anticipation. Our capacity for the production of hemp is unbounded. All that is necessary, therefore, to make its cultivation successful, is, to direct a portion of the domestic industry, which is now languishing for want of employment, towards that branch of agriculture.

Whilst I am up, said Mr. B., I will advert to an observation made by the gentleman from Massachusetts (Mr. Webster) a few days ago in reply to the chairman of the Committee of Domestic Manufactures. He stated that the old notions concerning a balance of trade were idle and ridiculous, and that they had been exploded by all enlightened political economists of the present day. This may be true so far as it respects political theorists; but no practical statesman, either in our own or any other country, has ever acted upon such principles. There can be no case put which will be a stronger illustration to show the propriety of attending to the balance of trade, than the ruinous commerce which is now prosecuted between the United States and Russia. In that trade there is an annual balance against us of more than $2,000,000. What are the articles which we receive from Russia, and which create this balance? Iron, hemp, and the manufactures of hemp; articles which we are capable of producing and manufacturing in abundance for ourselves. Will any gentleman contend that, if we did supply ourselves with these articles, we would not keep among our own citizens that balance which we now annually pay to Russia, and thus, as a nation, be so much the more rich and independent? Is it necessary to use an argument to prove that this would be a desirable event?

I know, said Mr. B., it has been stated that the trade with Russia is circuitous, and that our domestic products are exported

to other countries, and there exchanged for articles which the Russians receive in payment. The trade to Cuba, and from thence to Russia, has been given as an example. This observation, however, applies only to a part of our trade with that country; the larger portion of it is direct, and the balance must be paid in money. And yet this is the kind of commerce which gentlemen wish to continue and extend—a commerce which, while it produces a large balance against us, excludes from our markets the iron and the hemp of our own citizens, and renders us dependent upon foreign countries for these essential articles of national defence. If Russia would receive our productions in exchange for these articles, then there might be some pretence for desiring a continuance of this trade. But, during the last year, whilst the value of our imports from that country was $2,195,870, our domestic exports amounted only to the small sum of $51,635.

If, said Mr. B., this were the proper occasion, it would not be difficult to prove that the balance of trade with the world is now, and for years has been, against us. I would not attempt to do this from the books of the custom-house. I agree with gentlemen that they alone do not afford a correct guide upon this subject. It is certain that they may exhibit a large apparent balance against us, and yet the real balance be in our favor. For example, suppose our exports amounted to $40,000,000, and our imports to $50,000,000, if we had no evidence upon the subject, except the books of the custom-house, we might fairly conclude that our commercial capital, industry, and enterprise, were worth imports to the value of $10,000,000, and that thus the account would be balanced and the country enriched. But is this the case? Do we not know, in addition to the testimony which they afford, that specie, that Government stock, that bank stock of the United States, and even the canal stock of the State of New York, have been leaving the country to purchase goods and pay the debts which we owe to Great Britain? Do we not know that the rate of exchange upon London has been largely and continually against us for several years? This shows, conclusively, that, notwithstanding all the money and the stocks which we have exported, funds in England, for years, have been always wanted by the merchants of this country. Bills of exchange on England, and on the rest of Europe, have uniformly commanded a handsome premium for a considerable period of time. I would ask gentlemen the reason why they have been in such demand,

if it were not to pay the continual balance against us in our trade with the world. Would it not, then, be desirable to diminish our imports and increase our exports? This bill, should it pass, will, in my opinion, accomplish that desirable object; and the additional duty upon hemp, which it proposes, will, in no small degree, contribute to its attainment. But, sir, said Mr. B., I find I am getting into a discussion of the general principles of this bill, which I do not, at present, intend; and I will, therefore, desist, at this time, from prosecuting the subject farther.

The question was taken on the amendment and decided in the negative—ayes 69, noes 107. And then the Committee rose, and the House adjourned.

REMARKS, MARCH 25, 1824,

ON A MOTION TO EXTEND THE DRAWBACK SYSTEM.[1]

The question recurring on the original motion of Mr. Webster,

Mr. Buchanan expressed his wish for further light on the subject to which the amendment applied. He thought the system of drawback sufficiently tried, to justify the proposed extension of it. At present it extends only to fish, spirits, and fine sugar. He thought the introduction of nankeens of the East, would interfere with our own cotton factories, as this bill placed the Chinese manufactures on the same footing with our own, in the foreign market. The commerce with China, he said, was a ruinous one; and this amendment went to encourage it, and to discourage our trade to France, which was a profitable one.

Mr. Webster replied. This, he said, was only a transit trade; we encourage our merchants to go to China, buy their silks, and carry them to South America. The only part of the China trade which was unprofitable, was that in articles consumed in this country.

Mr. Buchanan rejoined. He objected to the amendment, as complicating the system of drawback. He repeated his argument respecting its effect to encourage foreign manufactures,

[1] Annals of Congress, 18 Cong. 1 Sess. 1824, II. 1910–1911. Mr. Webster's motion was to amend the pending tariff bill by providing that the drawback allowed on plain silk and nankeen cloths imported in American vessels from beyond the Cape of Good Hope should be allowed, although such cloths had, before their exportation, been colored, printed, stained, dyed, stamped, or painted, in the United States.

which, he said, had not been answered. He admitted, that the silks imported, went out again; but, why encourage their introduction from China, in preference to those from France.

Mr. Cobb was greatly indebted to the gentleman from Pennsylvania, last up, for his care of the cotton-growing interests; but, he should thank him much more, if he would consent to let them alone. For his own part, he said, when the friends of the bill talked of extending protection to the cotton growers, he felt much like the Irish recruit who was forced to volunteer. He objected to the amendment as granting an encouragement that was not needed; he had no idea of taking money out of the Treasury to put it in the pocket of those who were already doing so good a business, &c.

Mr. Fuller replied to Mr. Buchanan. The coloring of stained nankeens put[s] them into a form to be exported, instead of being consumed at home, to the prejudice of the domestic manufacture. He agreed in the opinion, that no discrimination ought to be made between French and China silks. He argued, however, that the home consumption would not be affected, nor the cotton manufacturer be injured by the proposed amendment. He made some observations on the French trade, to show that it was not so profitable as the gentleman from Pennsylvania seemed to suppose.

Mr. Sharpe replied to the gentleman from Georgia, (Mr. Cobb.) All that was asked by the silk dyers, he said, was, that, after they had expended their labor on the article, stained and defaced in transportation, they should be allowed the same drawback upon it, as, under the present law, would be allowed on it, if brought in a perfect state, and exported without any labor at all. Let us try the extension of this drawback system on a moderate scale, and it may be hereafter abolished or extended, as might be advisable.

Mr. Mallary replied to Mr. Cobb, and advocated the amendment on principles of equality. It was no more than just, he said, that the benefit of this branch of labor should be enjoyed by the dyers, as well as the agricultural labor by the cotton grower. He replied to Mr. Buchanan, and advocated the propriety of making an experiment, in gradually extending the drawback system, so as to aid in the protection of manufactures.

Mr. Poinsett advocated the amendment. Its operation would be to enable our merchants to carry the goods of China to the South American market, and otherwise, the merchants

of Britain and France would have the whole trade to themselves. It would not injure our manufactures, while it would encourage our commerce.

Mr. Buchanan replied, and stated an illustration from the case of hemp and calico; the dyed nankeen of India, he said, displaced our cottons in the South American markets.

Mr. Poinsett, in reply, stated, from thorough personal acquaintance with South America, that the people of that country were of fixed habits, as much so as the Chinese themselves. They would go on in their old path and none other. They will not take our cottons, but will have nankeens, as they have been accustomed to; and if we do not carry them there the French and English will.

Mr. Sandford repeated and enlarged upon his objections to the amendment, on the grounds of its opening a door to frauds, &c.

Mr. Webster made a few more observations; and

The question being taken, the amendment of Mr. Webster was agreed to, without a division.

SPEECH, APRIL 9, 1824,

ON THE TARIFF BILL.[1]

The House then resumed the consideration of the report of the Committee of the Whole on the bill for the revision of the tariff.

The House concurred with the Committee of the Whole in the fifth amendment, which is to strike out the following:

On Russia duck, per piece of fifty-two archeens, two dollars each piece;

On Raven's duck, per piece of fifty-two archeens, one dollar and twenty-five cents each piece;

On Holland duck, per piece of fifty-two archeens, two dollars and fifty cents each piece.

The House also agreed to the sixth amendment, which is to substitute the four and a half cents, instead of six cents, as the duty on cotton bagging. Ayes 84, noes 62.

The seventh amendment, which is to reduce the duty on bar iron, from $1.12 to 90 cents per cwt., being under consideration—

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[1] Annals of Congress, 18 Cong. 1 Sess. 1824, II. 2258–2271.

A debate arose, in which Messrs. Buchanan, Udree, Brown, and Stewart, opposed the reduction; and Messrs. Reed, Randolph, Tucker, McDuffie, Mercer, Cambreleng, Webster, and Marvin, supported it.

Mr. Buchanan spoke as follows:

Mr. Speaker, it is not my design to enter into a discussion of the general principles of the bill now before the House. Although I am fully prepared to do so, yet, time has become so precious, and so much has already been said upon the subject, that I have abandoned any such intention.

I will, however, take the liberty of asking the Committee to attend to some observations which I shall make, in reply to that part of the argument of the gentleman from Massachusetts (Mr. Webster) which related to hemp and iron. The reasons which that gentleman urged, with great ability and zeal, against an additional duty upon these articles, were, that much injury would result from it, to the manufacture of ships and to the navigation of the country. In the course of his remarks, he alleged that our navigation had been left dependent upon its own resources, without any protection from Government; that it was in a depressed and declining condition; to use his own phrase. that it was barely able to keep its head above water; and that the weight which this bill would bring to bear upon it, by the additional imposts on hemp and iron, might destroy it, or, to repeat the gentleman's words, might be the last ounce which would break the camel's back. As a consequence from all these observations, he inferred that the Navy was in danger of destruction.

In opposition to this argument, I trust I shall be able to show, conclusively, that no branches of domestic industry have ever been cherished by the legislation of this country with as much care as those of ship-building and navigation; that both these branches, although they have suffered in the general depression of the country, are now in a more prosperous condition than any other portion of domestic industry; and that they are perfectly able, and ought to be willing, to bear the additional duty upon hemp and iron proposed by this bill, even if it should amount to what the gentleman supposes. If, said Mr. B., I can establish these positions, it will result as a necessary inference, that our Navy is in no danger from the measure now under consideration.

Sir, said Mr. B., it is fortunate that the first Congress which sat under the Federal Constitution, when they came to legislate upon the navigating interest of the country, were not guided by the principles which we have so often heard reiterated in this Hall. They did not belong to that school of politicians whose principal dogmas are, "Let trade regulate itself;" "Let not legislation attempt to divert industry or capital from the channels in which they are flowing into other branches." On the contrary, they believed that the manufacture of ships, and their navigation, were interests which required legislative protection, and they afforded it in the most effectual manner.

The third act which ever passed the Congress of the United States was that of the 20th July, 1789, imposing duties on tonnage. It was afterwards repealed by the act of the 20th July, 1790; which, however, re-enacted in substance the same provisions. Whilst these acts declare that ships or vessels of the United States, arriving from any foreign port or place, shall pay a duty of only six cents per ton upon each entry, they enact that all other ships or vessels shall pay a duty of fifty cents per ton, except those built within the United States and belonging to foreigners, which shall pay thirty cents per ton. The legislative protection afforded by these acts, to that portion of our tonnage employed in the coasting trade and in the fisheries, was of a still more decisive character. Whilst ships or vessels of the United States, engaged in these pursuits, paid a duty of but six cents per ton, in each year, those "not of the United States" paid fifty cents per ton upon each entry.

In addition to these discriminating duties upon tonnage, in favor of our own citizens, the act of the 10th August, 1790, added 10 per cent. to the rates of duties imposed, "in respect to all goods, wares, and merchandise which shall be imported in ships or vessels not of the United States."

What, Mr. Speaker, was the effect of this legislative protection upon our tonnage and navigation? Let Mr. Pitkin and Dr. Seybert answer this question. Mr. Pitkin, in his View, declares that—

> These extra charges on the navigation and commerce of foreign nations were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted in favor of the ship-owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular, and permanent.

Dr. Seybert, in his Statistical Annals, bears the same testimony. He states that—

> Our discriminations operated powerfully in favor of our shipping. Vessels not of the United States, of 200 tons burden, on entering our ports, paid £20 tonnage duty, and for a cargo of the value of £2,000, they paid £15, extra duty, more than did the vessels of the United States, of the same tonnage, and laden as aforesaid. These extra charges were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted; it seemed to operate like magic in favor of the ship-owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular, and permanent.

I will freely acknowledge, said Mr. B., that the wars in Europe, and our neutral condition, by placing within our reach a large portion of the carrying trade of other nations, assisted these discriminating duties in producing their effect upon our navigation, with such astonishing rapidity. Dr. Seybert states, that "in 1789, our shipping was not sufficient for the transportation of the domestic produce of the States; one-third of that which was then employed for that purpose, belonged to foreigners;" and that "in 1793, our tonnage exceeded that of every other nation, except Great Britain."

These discriminating duties, and the unexampled increase of our tonnage, alarmed the Government of Great Britain. They dreaded the rapid progress of our navigation, and made it a primary object to check its augmentation. For this purpose, they proposed, in the year 1791, "that British ships trading to the ports of the United States, should be there treated, with respect to the duties of tonnage and impost, in like manner as ships of the United States should be treated in the ports of Great Britain." By this means, they expected to crush our navigation in its infancy. They well knew, if they could persuade our Government to cast it, at that period of its existence, upon the ocean, without protection, they would obtain what they so ardently desired—a monopoly of our trade. They were convinced, that our navigation could not then endure a competition with the long established navigation of Great Britain.

The statesmen of that day, thanks be to Providence, did not act upon the modern fashionable doctrines of political economy. They refused to accept this offer of a reciprocity of trade between the two countries, which Great Britain had made. They did not adopt the principle, that trade should regulate itself. No, Mr. Speaker, they cherished and nourished our navigation in its

infancy, by protecting duties; and, in this manner, infused into it such energy and vigor, that it can now fearlessly go forth, and, upon equal terms, challenge competition with the world. The same kind of protection will produce the same effect upon the manufactories which this bill proposes to encourage.

Dr. Seybert informs us, that these discriminating duties on tonnage and imports alarmed the British merchants and ship-owners. That was a most favorable omen. In this particular, I can congratulate the advocates of the present bill that they are equally fortunate. Every British merchant, every British agent, and every vender of British goods, within the United States, have taken the alarm. Should this bill pass, they know that the day is not far distant, when they shall cease to drain from us our wealth, and to enrich themselves and the British manufacturers, at our expense.

The House have distinctly perceived the effect of these discriminating duties upon the foreign tonnage of the United States. Their operation upon that employed in the coasting trade was still more decisive. In this trade, the voyages from port to port in the United States being, comparatively speaking, but short, the burden of fifty cents per ton, upon every entry, imposed upon foreign vessels, was so onerous that, in its effect, it soon amounted to an absolute prohibition. In this manner our own navigation was virtually put in the exclusive possession of that important branch of our commerce, long before the act of 1817 declared "That no goods, wares, or merchandise, shall be imported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign Power."

It is manifest, therefore, that these acts of Congress went much further in protecting our navigation against foreign competition, than the bill now before the House contemplates going, in regard to any branch of our agriculture or manufactures. And yet the representatives of the navigating interest in this House, not only complain that it has been left dependent upon its own resources, without any protection from Government; but they are the first and loudest in resisting the moderate encouragement which this bill proposes to other branches of domestic industry. Is this grateful? Is it generous? Is it just?

Here, Mr. Speaker, it may be necessary to show in what manner the acts of Congress, to which I have referred, gave our

ship-builders protection. It will be found that the statesmen, by whom they were enacted, had a proper idea of the importance of encouraging the manufacture of ships; and, I trust, those of the present day are not so degenerate, that they need to be reminded of it by the toast of a Prime Minister of England, which the gentleman from Massachusetts (Mr. Webster) has thought fit to repeat for our edification.

We have seen that these discriminating duties upon imports and tonnage, in favor of our own citizens, were confined in their operation to "ships or vessels of the United States." To constitute "a ship or vessel of the United States," it is necessary not only that it should be owned by a citizen or citizens thereof, but that it should have been built within the same. This is a general rule, to which I know of but two exceptions—the one in favor of vessels captured by our citizens from the enemy, and declared to be lawful prize, and the other of vessels condemned for a breach of the revenue laws. There never was a time in the history of the United States when an American merchant could purchase from a foreign ship-builder a vessel built in a foreign country, and have her so naturalized under our laws as to free her from the imposition of these discriminating duties. Of consequence, the domestic manufacture of ships was as completely protected by these regulations against foreign competition as was our navigation. The ship-builder and navigator moved hand in hand. The same encouragement was afforded to both, and the same success attended that encouragement. We are now able to manufacture ships much cheaper, as I shall show hereafter, than they can in Great Britain.

Let us now pause for a moment, and reflect what would have been the present condition of our ship-building and navigation, had the same system of policy been pursued in relation to these important interests, which gentlemen now wish to pursue towards our domestic manufactures. England, our great rival, possessed tonnage in abundance, capital, and skill. It was both her interest and her inclination to overwhelm our rising navigation. The struggle would have been between the vigor of manhood and the feebleness of infancy. Our navigation, without protection, must have been crushed. It then stood in the same relation to British navigation, that our infant manufactures do at present towards the long existing establishments of a similar nature in Great Britain.

The very same arguments which the navigating interest have used against this bill, might have been urged in opposition to the discriminating duties for their protection. The agriculturists, who had produce to be transported to a foreign market, might have argued that, if freight could be procured at a cheaper rate in an English than in an American vessel, they had a right to this advantage; that these discriminating duties were bounties, paid by the great mass of the people to the navigating interest, and, therefore, they should not be imposed. The shipping merchants might have said, Let us buy where we can buy the cheapest, and sell where we can sell the dearest. If it be for our advantage, permit us, without the payment of discriminating duties, to purchase our ships in foreign countries. Government should not, by legislation, divert capital from other branches into ship-building and navigation. Whenever it shall be for the interest of individuals to employ it in this manner, it will be so employed; and then, and not till then, will it be the interest of the nation.

The true answer to all the suggestions of this nature, which might have been urged against our discriminating duties, and have been used against the present bill, is, that a wise nation, like a wise individual, should be willing to suffer a trifling temporary inconvenience in the beginning, that it may attain a great permanent good in the end. Should you plant and nourish those domestic manufactures only, which are congenial to your country, and of which you possess the raw material in abundance; if, in their infancy, you shield them, by protecting duties, against destruction from foreign competition and foreign capital; although, for a short time, the price may be enhanced to the consumer, yet, before long, it will be reduced below that of the foreign article. Our experience with respect to coarse cotton goods completely justifies this remark.

But, upon the present occasion, we should be governed by higher considerations than these. I would vote for this bill upon the same principle that I would for the erection of a necessary fortification or the building of a navy. Are not the woollen and the cotton manufactures necessary to our independence? Is a nation perfectly independent, without clothing for its people, without iron, and without hemp? Is it either patriotic or wise to rely for the means of defence upon foreign nations, when we possess them in abundance within ourselves?

In the days of peace, whilst those nations are all desirous of pouring their manufactures upon us, and of exhausting our wealth for their aggrandizement, we shall experience no difficulty in obtaining supplies. But, let the clouds of war lower over our heads, let the nation be deprived of its foreign supplies, and cast upon its own energies for its defence, and what will then be our condition? The events of the late war, within the recollection of every gentleman on this floor, afford the best answer to this question. If there ever were a nation which should have been taught wisdom on this subject, by the lessons of experience, it is our own.

But, Mr. Speaker, I have been wandering from that portion of the subject, to which I promised I would confine myself, into the general principles of the bill. The best apology which I can make for this digression is to return to it immediately.

I admit, said Mr. B., that the navigating interest, in common with the other great interests of the country, suffered considerable depression in consequence of the general peace in Europe. I deny, however, that this depression was at all in proportion with that experienced either by agriculture or manufactures. During the long period in which the nations of Europe were involved in war, we had a large portion of the carrying trade of the world. The general pacification terminated this profitable branch of commerce, and left our navigating interest dependent upon its own resources, and those of the country. It will be found, however, upon examination, that, notwithstanding the disadvantages against which it had to contend, the Government and the people of the United States sustained it in this crisis. It has always been the favorite of our legislation.

The American tonnage, employed in foreign trade, which entered the ports of the United States, during the year ending the last day of September, 1823, was 775,271 tons. This is greater than it has been in any year ending on the last day of December, since 1811, except the years 1816, 1817, 1819, and 1820. It is nearly 5,000 tons less than in 1817; but it is above 20,000 tons more than in 1818, and upwards of 5,000 tons more than in 1821. The House will understand that I am now speaking of the tonnage which paid duties. It will at once be perceived, that this is greater than our actual foreign tonnage, inasmuch as the same vessel may, and often does, pay duty more than once in a year. If, however, we look at the actual registered tonnage of the United States, engaged in foreign trade, the pros-

pect is equally cheering. It has been gradually increasing for several years. I hold a statement of it in my hand, from 1816 up till 1822, both inclusive; from which it appears that, in 1822, it amounted to 628,150 tons. In 1818, it had been 606,088. Between these two periods, its increase was 22,062 tons. Although, from this statement, it appears that, in 1816, it was 800,759 tons, in 1817, 809,724 tons, and that, in 1818, it was suddenly reduced to 606,088 tons, yet this is not a true state of the case. The Register of the Treasury has certified that this sudden decrease arose "principally from the registered tonnage having been corrected in 1818, by striking off all the vessels, the registers of which were granted prior to the year 1815, and which were supposed by the collectors to have been lost at sea, captured," &c.

Whilst the present state of our foreign tonnage presents nothing calculated to produce despondence, the condition of that employed in our coasting trade is flourishing beyond example. It has been increasing gradually and rapidly ever since the adoption of the Federal Constitution. In 1816 it amounted to 522,164 tons. In 1822 it was 624,188 tons. Thus, it appears that, in the short space of six years, it increased more than 100,000 tons. The same quantity of tonnage, in this trade, affords employment to a much greater number of sailors than in the foreign trade; and the actual tonnage engaged in each is now about equal.

This branch of our commerce must grow with our growth, and strengthen with our strength. Human foresight cannot calculate its future extent or advantages, should it be directed by a wise system of policy. The territory of this nation is so vast, and its capacities for the production and manufacture of almost every article of necessity or luxury are so extensive, that nearly all our mutual wants will, at no very distant day, be supplied by a free and unrestricted commerce with each other. Besides, this trade will be a powerful means of perpetuating our Union. Providence, by rendering the different portions of our country dependent upon each other, has laid the foundations of that intercourse which will bind us together by the adamantine bonds of mutual interest and affection.

Sir, said Mr. B., it must strike every person with astonishment, who examines this subject, that our foreign tonnage has not been greatly diminished since the general pacification of Europe. How has this interest been able to support itself at

its present amount, notwithstanding the loss of the foreign carrying trade? I answer, by the aid of Governmental protection; and, although this allegation may be at variance with that of the gentleman from Massachusetts, (Mr. Webster,) I hold myself bound to prove it.

In the year 1815 the United States, believing her marine to have acquired sufficient strength and vigor to sustain a competition upon equal terms against the world, proposed to all nations a fair reciprocity of trade. By the act of the 3d of March of that year, we declared that we would admit into our ports the vessels of every nation, carrying articles the produce or manufacture of such nation, without levying any other tonnage or impost duty than was levied on American vessels; provided such nation would admit into their ports American vessels, laden with American produce or manufactures, without imposing any impost or tonnage duty beyond that which was paid by their own vessels. On the 3d July, 1815, the United States concluded a commercial convention with Great Britain, founded upon these principles, so far as respected our trade with her territories in Europe; but her possessions in the West Indies, and on the continent of North America, were expressly excluded from its operation.

The British Government, after the general peace in Europe, determined to adhere rigidly to their colonial system, so far as their own navigation was concerned. Although they were willing that there should be a direct trade between the United States and their West Indian and North American colonies, yet they insisted that it should be carried on by their own vessels. The ports of these colonies were therefore closed against American vessels, and they were entirely excluded from any participation in the trade.

What portion of our citizens was injured by the exclusion of American tonnage from these ports? It was not the farmer, who had corn and flour, nor the planter, who had tobacco, nor the merchant, who had lumber, to be transported to market. To them it was a matter of no importance, whether these articles were carried to the West Indies in an English or an American vessel. In either case, they could be exchanged for the same quantity of rum, sugar, or molasses. It was the navigating interest alone, which was directly injured by this regulation. No other class of society had any concern in the question, except that general one, which every good citizen ought to feel in protecting the useful establishments of his country. Our navigating interest

petitioned Congress for relief. What was the consequence? For their benefit, we conceived the bold design of compelling Great Britain to abandon her colonial system, and to break those fetters in which she had for ages bound this portion of her trade. On the 18th April, 1818, the Congress of the United States passed a law, declaring that "the ports of the United States shall be and remain closed against every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, coming or arriving from any port or place in a colony or territory of His Britannic Majesty, that is or shall be, by the ordinary laws of navigation and trade, closed against vessels owned by citizens of the United States." The provisions of this act were considerably extended by those of the supplementary act of the 15th May, 1820.

What, then, were the weapons with which we commenced this great undertaking? For its accomplishment, we depended altogether upon the patience and patriotism of our people. The contest was, whether our citizens interested in the trade with the British colonies, or those colonies, could the longest, and with the most fortitude, endure its destruction. How much those citizens suffered, for the benefit of the navigation of the country, will appear from the very able memorial from Norfolk, which was presented during the first session of the last Congress. The memorialists urged the repeal of these acts. They stated their conviction, that the attempt to compel Great Britain to abandon her colonial system was altogether hopeless; as she had "often and openly avowed her determination not to abandon it but with her existence." They declared that, under the operation of the existing laws, their farmers, their merchants, their dealers in timber and lumber, in fact all classes of their citizens were deprived, in a great measure, of their former resources, and were, many of them, burdened with debts which they were unable to pay. This picture, drawn by the inhabitants of Norfolk, of their sufferings for the benefit of our navigation, is applicable to every other part of the Union interested in the trade with the British West Indies.

The spirit of the country, however, nobly sustained its navigation in this contest. The great agricultural interest stood unmoved. They were willing to suffer for the benefit of the ship-owners. Congress refused to repeal these acts.

Our bold policy finally triumphed, and, on the 24th June, 1822, an act of the British Parliament repealed their colonial sys-

tem in favor of the United States, and opened their ports in the West Indies and North America to vessels belonging to our citizens. And yet, notwithstanding, the navigating interest complain that they have been left unprotected by the Government to struggle against the world.

Here, said Mr. B., I will take leave to remark, that I was astonished to hear it alleged by the gentleman from Massachusetts, (Mr. Webster,) that this concession, made by the British Government in favor of our navigation, was an evidence that they were departing from their restrictive system. No, sir; if it proves any thing, it is the efficiency of this system. This concession was extorted from them by the adoption of our countervailing restrictions, and is strong testimony in favor of the power of that policy, when properly exercised, to obtain justice from foreign nations. However much English statesmen may talk about the new doctrine of the freedom of trade, they take care to act, in every case of importance, upon their old principles. It is, therefore, not improbable, that the scraps of speeches made by my Lord Liverpool, and others, which the gentleman from Massachusetts (Mr. Webster) has collected and read to this House, have found their way to the very market for which they were intended. Should this bill be defeated at the present session, as I trust it will not, I have no doubt but that we shall have a fresh supply of the same articles imported before the next session of Congress. In Great Britain they dread nothing more than the adoption by our country of that system, which the Speaker has aptly styled the American policy. Rest assured, sir, they will leave no means untried to defeat it.

I will mention one other example to show with what care, and at what expense to the other interests of the country, this Government has fostered, and I admit wisely, its navigation. France, immediately after she had extricated herself from the long wars in which she had been involved, devoted herself to the cultivation of the arts of peace. Among other things, she immediately directed her attention towards her marine. She was anxious to obtain the exclusive privilege of carrying those of our productions which she used in her manufactures. For this purpose she established discriminating duties, in favor of cotton, tobacco and potashes, imported in her own vessels, which are equivalent to a tonnage duty of from $18 to $21 per ton. The navigating interest of the United States took the alarm, and memorialized Congress upon the subject. To that interest Con-

gress never lent a deaf ear. On the 15th of May, 1820, an act passed, which imposed a countervailing duty of $18 per ton, upon all French vessels entering the ports of the United States. The consequence of this measure was the suspension, in a great degree, of the direct trade between this country and France. That profitable branch of our commerce was at once sacrificed to promote the interests of our navigation. The House will readily perceive to what degree that portion of the citizens of the United States, who had commodities to be carried to market in France, must have suffered under the operation of this system. They, however, suffered without murmuring; because they knew that their misfortunes were intended to benefit that class of their fellow-citizens concerned in navigation.

Our countervailing duties on French tonnage produced the desired effect. On the 24th June, 1822, the very day on which the British Parliament opened their colonial ports to our vessels, the convention with France was concluded, which placed our carrying trade with that country upon a fair and reciprocal basis.

From this brief history, we have learned that the patience and patriotism of the people of this country have obtained for their foreign navigation, a signal triumph over both England and France; and have opened new and profitable avenues for its enterprise. And yet the Representatives of that interest upon this floor, complain loudly that it has been left unprotected. They make this complaint in the face of a system of legislation in its favor, which is unparalleled in the annals of the country in regard to any other object. The Government watched over its infancy with parental care, and afforded it protection against foreign rivals, whilst such protection was necessary. When it had attained sufficient vigor to fear no rival—when a fair competition with all nations was that which it most desired, the Government obtained for it this important advantage. Now, when it is in a prosperous situation, having got every thing which it asked, it is the first to cry out against affording a comparatively trifling protection to other branches of American industry. Is this gratitude? Is it even-handed justice? Is it doing unto others as you would they should do unto you?

I shall now proceed to prove, that the navigation of the country is perfectly able to bear the additional duty upon hemp and iron proposed in the bill, as reported by the Committee on Manufactures. In order to establish this position, it will not

be necessary to add much to what I have already said. For the sake of the argument, I shall suppose, with the gentleman from Massachusetts, (Mr. Webster,) that the small additional duties upon these articles will be permanent additional burdens to that amount imposed upon our navigation. Even under this view of the subject, that interest is able to bear them; and considering what has been done for it by the country, ought to bear them for the common good, without a murmur.

The House, I feel certain, will understand, I do not admit that these additional duties will continue to be additional burdens upon the navigating interest. On the contrary, I firmly believe that the domestic competition which must necessarily spring up under this protection, will, in a few years, reduce the price both of hemp and of iron.

These additional duties cannot injure the tonnage employed in our coasting trade. This portion of our navigation, which, in 1822, was nearly equal to that engaged in foreign trade, and which must increase rapidly, has no competition to dread. It enjoys a monopoly. It will, therefore, sustain no loss in consequence of the additional duties, because, in proportion as you enhance the price of the vessel, you will increase the freight. The case might be different, if foreign competition were not altogether excluded. Would it not, then, be just, that this portion of our tonnage should be compelled to use the hemp and iron of our own production, even at an advanced price? We have established a prohibitory system in its favor—should not, then, the same rule be adopted in favor of our farmers and manufacturers, at least so far as respects the hemp and iron necessary in the construction and repair of the vessels which it employs? The bill before the House, however, instead of proceeding thus far, only imposes a small additional duty upon these articles, and yet it has been denounced, as though it would prostrate the navigation of the country.

I admit, said Mr. B., that our foreign tonnage must enter into competition with the world, and, therefore, it stands upon a different basis from that employed in our coasting trade. Under these circumstances, can it endure the proposed additional duties? I answer boldly in the affirmative. The gentleman from Massachusetts (Mr. Webster) has stated, that all the materials of ship building, except the timber, are cheaper in England than in this country.

This may be, and no doubt is the case. But is not timber

the chief, and by far the most expensive material in the construction of a ship? In England they are compelled to purchase this article in foreign countries, and to pay the heavy expense of its transportation; whilst we possess it in abundance at home. The consequence is, that a ship of the same tonnage may be built much cheaper in this country than in England. We have the testimony of the Mercantile Society of New York to this effect. The Committee of Manufactures, before they reported their bill to this House in January, 1821, addressed certain questions to that Society, two of which, with their answers, I will take leave to read to the House:

Question. What is the cost of a British ship of say 300 tons? What of an American of the same force and burden; and, generally, the difference in the price of shipping, by the ton, in each country, completely equipped?

Answer. A British ship of 300 tons, equipped for sea, will cost $24,000, or $80 per ton. An American ship of the same quality, will cost $18,000 or $60 per ton.

Question. The quantity of iron and cordage to the 100 tons of shipping?

Answer. It will require 4 tons of iron, 1,500 lbs. of copper bolts, 4½ tons cordage, and 20 bolts of duck to the 100 tons.

In answer to another question, the same Society state, that "foreign vessels would not have a preference, in our ports, over American built vessels, unless at a reduction in freight of 25 per cent. or advantages equivalent, at the port of destination."

Thus, it appears that the additional duty of $7.50 per ton, proposed upon iron by the bill, as reported, on a ship of 300 tons burden, would amount only to $90, and that upon hemp would be equal to about $200. How, then, sir, can this additional duty of $290 upon a ship of 300 tons, seriously injure, much less destroy, our navigation? Is it possible we can, in the slightest degree, be alarmed by such a clamor, when we consider that a vessel of this description now costs, in England, our great rival in navigation, $6,000 more than it does in our country?

It has been urged, by the gentleman from Massachusetts, (Mr. Webster,) against the proposed additional duties on hemp and iron, that if a sufficient quantity of these articles to supply the domestic demand, were produced in this country, that our navigating interest would lose their freight from Russia and Sweden. Sir, said Mr. B., has it come to this? Shall we be compelled to purchase articles in foreign countries for no other reason but to increase the employment for our navigation? Are all the other interests of the country to be sacrificed, that the

welfare of this one may be promoted? I trust not. It appears to me that the bare statement of this argument is its best refutation. We are asked to buy hemp and iron from foreigners—we are called upon to transport our wealth to distant countries to pay for these articles—and for what reason? Not that we cannot produce them in abundance for ourselves; not that we need them; but simply because the favored class of our citizens concerned in navigation want to enjoy the advantages resulting from their carriage. You must, sir, purchase the merchandise, that they may receive the freight. I am glad the gentleman has come out boldly and avowed this position.

After what I have already said, it will be necessary I should add a few words only, concerning the Navy; because it is manifest that it cannot be injured by the additional duties upon hemp and iron, if I have taken a correct view of their operation upon our ship building and our navigation. I feel myself constrained, however, to make one or two observations on this subject.

I am a sincere friend to the Navy. One of the earliest political maxims impressed upon my mind was, that it would be our most safe and natural bulwark against foreign invasion. This opinion has been confirmed by the victories which it achieved during the late war—victories which have equally covered both itself and the nation with glory. I would, therefore, warn its true friends to have a care how they introduce it into every debate upon the subject of this tariff. Like all the other institutions of this country, it must depend, for its support, upon public opinion. Withdraw that from it, and it must and will sink. Are those gentlemen, then, its genuine friends who wield it as the chief weapon of opposition against the present bill?

If, whenever any measure calculated to promote the domestic industry of the country, and to benefit its landed interest, shall be introduced into Congress, the cry is resounded, that it cannot be adopted, because thereby you may injure the Navy; the people will at last begin to believe that there is something incompatible between their prosperity and its existence. If they shall at any time be impressed with this conviction, which I trust in God they never may, but to which the course of argument that has been pursued by the enemies of this bill directly leads, its swift destruction will be the inevitable consequence. The people will not continue to sustain an institution which they have been taught to believe stands as a perpetual barrier against the adoption of any system, calculated to encourage the agriculture and manufactures

of the country, and for the promotion of whose glory their own welfare must be the sacrifice. The Navy has nothing to fear except from such friends and from itself. Recent events have alarmed its true friends with serious apprehensions that it has become intoxicated with prosperity, and has been relaxing in discipline. If, at this moment, when such impressions are abroad throughout the land, it shall be made the instrument by which this bill shall be defeated, and you should pass the one now on your table creating a magnificent establishment of vice admirals and rear admirals, the consequence may be justly dreaded. Should these measures not shake its standing in the opinion of the people, I confess for one I shall be disappointed. Thanking the House for their attention, I shall not trouble them longer upon the subject, having already said much more than I intended when I rose.

REMARKS, MAY 7, 8, 10, AND 11, 1824,

ON THE NAVIGATION OF WESTERN RIVERS.[1]

[May 7.] The House took up the report of the Committee of the Whole upon the bill making an appropriation towards removing the sand bars and obstructions to the bed of the Mississippi, Ohio, and Missouri rivers, and the question being upon agreeing to the amendment, which introduces a substitute for the original bill—

Mr. Buchanan, of Pennsylvania, objected to the amendment, as too far enlarging its extent, and leaving it without a sufficiently definite object. If a system of internal improvement were to be adopted by the General Government, he should not be hostile to the object of this bill as a part of it. Considering this amendment as not sufficiently specific, or guarded, he should, if it succeeded, be obliged, under present impressions, to vote against the bill.

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[May 8.] Mr. Buchanan, that he might be distinctly understood as to how far he was willing to go on the subject, stated the comparative merits of the bill, and the amendment now under consideration. By the bill, an experiment was to be made in

[1] Annals of Congress, 18 Cong. 1 Sess. 1824, II. 2578, 2583, 2584, 2586–2588, 2596, 2597.

removing a sand bar; if successful, it was to be followed up by other similar operations; if not, the attempt was to be abandoned. The amendment, however, reported by the Committee of the Whole, was as indefinite in its terms as language could make it; it pledged the Government to proceed to remove every obstruction to navigation from the town of Brownsville to the mouth of the river Ohio, and down the Mississippi, and this Herculean work was proposed by an amendment to the bill, which could scarcely be understood, as read from the Clerk's table. Mr. B. said he was friendly to the improvement of the navigation of the Western waters, and also to the improvement of that of the Susquehannah, the Hudson, and the Connecticut, and he was willing that the experiment should be made in the Western waters, before it is made in the Susquehannah, though he by no means admitted that they possessed superior claims. His objection was, not to the object of the bill, but to the indefinite terms of the amendment.

* * * * * * * * * *

Mr. Buchanan said, that every amendment offered to the bill, proved that a general amendment was necessary, embracing the object of making an experiment to improve the navigation of the Ohio and Mississippi rivers, which a decided majority of the House would be in favor of. To allow of its being properly prepared, he moved to lay the bill on the table.

Which motion was agreed to, and the bill was ordered to lie on the table accordingly.

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[May 10.] On motion of Mr. Buchanan, of Pennsylvania, the House took up the bill " for the improvement of the Ohio and Mississippi rivers."

Mr. Buchanan offered, as an amendment to the bill, the following:

That the President of the United States be, and he is hereby, authorized to cause the navigation of the Ohio river to be improved over the following sand bars, or either of them, at his discretion, to wit: the sand bar which crosses said river one mile and a quarter below Flint island; the sand bar two miles above French island; the bar just below Henderson; the bar below Straight island; the bar below Willow island, in the Mississippi bend; and the bar opposite to Lower Southerland, below Cumberland island; and, for the purpose of ascertaining and directing the best method of carrying the provisions of this act into effect, he may employ any of the engineers in the

public service which he may deem proper: *Provided, nevertheless,* That an experiment shall first be made upon one of the sand bars, and if, in his judgment, it shall be successful, then, and not otherwise, he is hereby authorized to cause experiments to be made upon the remaining bars.

Mr. Stewart, of Pennsylvania, was opposed to this amendment of the bill, as being calculated to embarrass it, and, in effect, to defeat it. He objected especially to the proviso, which requires a previous experiment before the appropriation is to be applied. The obstacles in the Western rivers are, he said, so various in their kind, that an experiment on one could not apply to the rest of them—and the President must depend on the opinions of others as to the success of the experiment when made, &c. He preferred direct legislation on the subject to any contingent provision. Mr. S. went on at considerable length to show the propriety of the amendment adopted in Committee, making Brownsville the point of commencement where the proposed improvement met the national road, and rendered complete and entire the chain of communication between the East and West, &c., stating a variety of facts to show the great advantages to the West which would result from this measure.

Mr. Henry, of Kentucky, replied, and advocated the amendment, on the ground that it was of paramount importance to obtain a recognition of the principle embraced in the bill, and that the particular modification of it was not of so great importance. For the sake of conciliating the opinions of all who were friendly to the principle of the bill, he was willing to yield his own opinion as to the details of it; and, with that view, he was in favor of the amendment.

Mr. Mallary, of Vermont, moved to amend the proposed amendment so as to cause *two* experiments to be made instead of *one*, &c.

Mr. Buchanan rejoined—expressed his regret that the debate should be renewed—the committee's report was confined to certain bars in the river which were not of different kinds, but of one kind; and all he wished was, that a trial should be made on one of these before money should be expended on the rest.

Mr. Trimble advocated the amendment. He was in favor of an experiment, and thought it ought first to be attempted on the lower part of the river.

Mr. McArthur was indifferent whether one or two experiments were made in the Mississippi, but advocated the propriety of extending the experiment to the Ohio river also, the obstruc-

tions in which were quite as dangerous to property as those in the Mississippi.

Mr. Stewart suggested to Mr. Mallary to modify his motion so as to require two " or more " experiments.

Mr. Mallary did not accept of the suggestion.

Mr. Kremer advocated the amendment of Mr. Buchanan. He had had some experiments in attempts to remove sand bars in the Susquehannah, the result of which had been very unfavorable. He therefore wished an experiment made on one of those in the Ohio.

Mr. Hogeboom, of New York, took similar ground, and stated the difficulties which had been experienced in the Hudson, where vast sums had been thrown away in attempts to remove sand bars, without any permanent benefit from the expenditure.

Mr. Poinsett, of South Carolina, suggested that there was a great difference between removing obstructions from sand in tide rivers and those where the stream always ran one way. In the former class of streams, the removal of one sand bar was succeeded by the formation of others; but, in streams like the Mississippi and the upper part of the Ohio, where the water always ran in one direction, the case was very different.

The amendment of Mr. Mallary, proposing two experiments, was agreed to—ayes 77, noes 71.

Mr. Buchanan's amendment, as thus amended, was then put, and carried.

The several other amendments, reported by the Committee of the Whole, were then agreed to.

Mr. McArthur then offered an amendment in the fourth section, to make its commencement read as follows: " And for the purpose of improving the navigation of the Mississippi river, from the mouth of the Missouri to New Orleans, and of the Ohio river, from Pittsburg to its junction with the Mississippi," so as to include the Ohio river in the experiment.

The amendment was agreed to, and the bill, as amended, was ordered to be engrossed for a third reading to-morrow.

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[May 11.] The engrossed bill making an appropriation for improving the navigation of the Ohio and Mississippi rivers, was read a third time.

Mr. Williams, of New York, demanded the yeas and nays on the question of its passage; and they stood, yeas 155, nays 60.

[After the call was concluded, Mr. Burton and Mr. Buchanan, both accidentally absent when the yeas and nays were called, wished to be allowed to record their votes—the former against the bill, the latter in favor of it; but the leave was not granted, and, according to the rules of the House, could not be, without unanimous consent.]

So the bill was passed and sent to the Senate for concurrence.

REMARKS, MAY 18, 1824,

ON A RESOLUTION RELATING TO THE SALE OF LOTS IN THE CITY OF WASHINGTON.[1]

Mr. Buchanan, of Pennsylvania, expressed his surprise at the course of the debate. The evidence on which the grovelling and unworthy charge of peculation was now attempted to be brought against the first officer of the Republic had been in the possession of a committee of this House ever since last winter. He expressed a high sentiment of respect for the character of Mr. Monroe, and thought that he was the very last person against whom the charge of an avaricious love of money, and base collusion with a subordinate officer, would ever be brought, or could ever be substantiated. He trusted this House, at this late period, would not enter into another investigation, probably of groundless charges.

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[1] Annals of Congress, 18 Cong. 1 Sess. 1824, II. 2614.

A committee of the House, May 18, 1824, reported a resolution calling upon the President for "a full and complete statement" as to the sale of public lots in Washington and the application of the proceeds.

In a letter to Madison of December 13, 1824, Monroe, referring to his losses in the diplomatic service and to the allowances which should be made to him by the government to compensate him for his expenditures, said: "It is my intention to bring the subject before Congress, with a view to give the explanations necessary before my retirement, and to leave them to be recurred to, at another Session, when decided on. I have another, and much stronger motive for inviting the attention of Congress to a concern relating to myself. An attempt has been made to injure me in another form, with which, as it has been treated on in Congress, you are, I presume, somewhat acquainted. I cannot withdraw and leave this unnoticed. I intend to bring both subjects under consideration, with a view to do myself justice, and to protect myself, after I am gone, from malignant aspersion. The attempt referred to was made in the last two Sessions, by a committee in each, or rather under the sanction of such an appointment, and who pursued the object with great industry and system, as well as malignity." (Hamilton's Writings of James Monroe, VII. 51, 53–54.)

REMARKS, MAY 18, 1824,

ON THE DAY OF ADJOURNMENT.[1]

Mr. Buchanan, of Pennsylvania, entirely concurred in most of the views of the gentleman from Delaware, but he differed from him as to his conclusion. From the information which had been given to the House, by the gentleman from Illinois, it was perfectly evident, and must strike the mind of every body, that Mr. Edwards[2] cannot be expected to arrive here before the fourth or fifth of June. If the House waited for his arrival at all, consistency and a sense of duty would require them to remain in session until he was examined, that the information which he possesses may be eviscerated and laid before the House. On a moderate calculation, this will take to the tenth of June; and, said Mr. B., I ask whether we will delay our adjournment till that day on this account, or whether we shall not rather adjourn at an otherwise convenient season? If I thought, that, to await the arrival of Mr. Edwards was of any importance to the country, or to the distinguished officer whose conduct is implicated by the charges, I would remain here at any sacrifice. But I am not of that opinion. When Mr. Edwards presented his charges to this House, he referred for the foundation and support of them to documentary testimony, and to that alone. That testimony, with the charges, is in the possession of as able and impartial committee as was ever raised in any public body. I am persuaded that the committee is, or can be in one or two days, ready to report upon that testimony. Now, I ask, how can the Secretary of the Treasury be implicated by an adjournment, without waiting for Mr. Edwards? The proofs are here; the committee is diligently engaged in the examination of them, and are ready (or can be in a short time) to make their report; and I protest against the idea of the House having committed itself, or pledged itself in any way, to wait for Mr. Edwards. The House has not, in any way, confirmed the decision of that committee to send for Mr. Edwards. At the time this accusation of Mr. Edwards was brought to the House, I tried three several times to get the floor, to move to lay it on the table for one day. Had

[1] Annals of Congress, 18 Cong. 1 Sess. 1824, II. 2651–2652.

[2] Ninian Edwards, formerly a Senator from Illinois, who complained of the injustice done him in a report of Mr. Crawford, Secretary of the Treasury, on the deposit of public money in State banks.

this been then done, I am persuaded we should have had no further trouble with it. Believing that the House is not pledged, and that it is not expected of us to wait for Mr. Edwards; and that, as regards our legislative business, we shall be perfectly prepared to adjourn on Monday, I will propose that day. In any event, the motion of my friend from Maryland ought not to prevail. If the House determine to wait and examine Mr. Edwards, they ought to adopt the views of the gentleman from Delaware, and not at this time fix upon any day for the adjournment. If otherwise, the earliest day that had been named should be taken.

REMARKS, DECEMBER 21, 1824,

ON A BILL FOR OCCUPYING THE MOUTH OF THE COLUMBIA RIVER.[1]

Mr. Buchanan moved to strike out the 4th section, which is as follows: " That the President be, and he is hereby, directed to open a port of entry within the said territory, whenever he shall deem the public good may require it, and shall appoint such officers as may be necessary for the same; after which, the revenue laws of the United States shall extend to, and be in full force in said territory;" to which, (though on all other grounds highly approving it,) he objected, as interfering with the treaty with Great Britain. By that treaty, a free and open trade is guarantied, in common, to both powers, for a certain term of years, which is diametrically in opposition to the establishment of a port of entry, and the consequent demand of duties from British traders to the Oregon.

1825.

TO THOMAS ELDER.[2]

WASHINGTON 2. Jan: 1825.

DEAR SIR/

Being released this day from the cares & the follies of the world, I sit down with pleasure to devote a portion of my time,

[1] Register of Debates, 18 Cong. 2 Sess. 1825, I. 36.

[2] Buchanan Papers, Historical Society of Pennsylvania. The person to whom this letter was addressed was then a lawyer in Harrisburg, Pennsylvania.

for the purpose of making you acquainted with the politics of this City.

You no doubt feel a deep interest in the presidential question: & in my opinion the chances are much in favor of Gen: Jackson. I write confidentially, & if I were to inform you that I consider his election certain, it would not be, what I believe myself.

The friends of Crawford, consisting of the States of Virginia, *North Carolina,* Georgia & Delaware are apparently as determined & speak with as much confidence of his election as they did last winter. This however, at least so far as respects the knowing ones, can be no more than a mere pretence. It serves them as an apology for not expressing a preference between Adams & Jackson.

They believe they hold the balance of power in their own hands & no doubt they wish to use it in such a manner as to aggrandize themselves & their friends. We have daily rumors that a coalition is forming between them & the friends of Adams.

It is thought & in my opinion with truth, that if Clay were to exert his influence, he might give the Votes of Ohio & Louisiana to Adams.

Some of the friends of Jackson from our State are afraid that a combination will be formed between Adams, Crawford and Clay: and that the two latter will be in the Cabinet of the former. These men however are the warm friends of Calhoun, & they must perceive that the next contest in Pennsylvania, if Clay should behave himself well, will be between him & Calhoun. They are therefore willing to believe any thing which tends to make Clay unpopular. His eyes are wide open upon the subject, & he is fully aware in what manner he may please Pennsylvania. He must also know that if Adams were elected in opposition to the will of the people by such a combination both he & the members of his cabinet would at once become the objects of public hatred & contempt. For my own part I think Clay will act properly; he may be the better for being watched. He is a man of soul.

The friends of Jackson move on with determined firmness & at the same time with a conciliating manner towards all. Their chief is a man whose integrity is such that no person would dare to talk to him about conciliating the friends of the other candidates by holding out to them any offers of Office. His declaration is, " if I should be elected I will go into office perfectly

free & untramm[ell]ed." A nobler spirit than he possesses animates no human being.

In my opinion the friends of Crawford cannot transfer Georgia & North Carolina to Adams: and indeed I believe that all plots against old Hickory will fail.

The States decidedly for him are—New Jersey, Pennsylvania, Indiana, (I think) Kentucky, Mississippi, Alabama, Tennessee, South Carolina, & there is not much of Ohio & Louisiana.

The States decidedly for Adams are the 6 New England States. New York, Illinois, Maryland & Missouri are doubtful. My own opinion is that the two former will go for Adams & the two latter for Jackson.

You thus have the whole ground. The prospect is hopeful, but it is not certain. I consider the chances in favor of Jackson as two to one.

There is very little excitement at present in Congress concerning the presidential question. If however any thing corrupt or improper should be attempted it is a Calm preceding a dreadful storm.

There will [be] little or no legislation here during the present winter.

I wish when you get an hour's leisure you would sit down & write me a letter on State politicks. Please give my kindest & best respects to Mrs. Elder & believe me to be ever your sincere friend,

JAMES BUCHANAN.

THOMAS ELDER ESQ.

REMARKS, JANUARY 3, 1825,

ON THE BILL FOR THE RELIEF OF THE NIAGARA SUFFERERS.[1]

Mr. Buchanan, of Pennsylvania, said, he rose to make a few observations on the bill before the committee, which he would not have done, had his views of the subject been exhibited by any other gentleman. He said, he would state, as a clear proposition, which had not been much disputed in the course of the discussion, that this government was bound, as a matter of right, to indemnify individuals for the destruction of their property by the

[1] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 121–123.

enemy, provided such destruction were in pursuance of the rules of civilized warfare. If that were not the case, then we were not compelled by any principles of public law to make such an indemnity.—Every motive of policy would forbid it.

Then, said Mr. B. the question is, was the devastation of the whole Niagara frontier and the burning of Buffalo, acts justified by the laws of war? Can this be a subject of serious doubt at the present day? If we pass this bill, we proclaim that our denunciations of the conduct of the British army on that frontier, which has met the reprobation of the people of the United States, and, he trusted, of the whole civilized world, were unjust and unfounded. The Congress of the United States will declare, that the acts of that army were measures of lawful war, and, as such, they were bound to grant indemnity to the sufferers. This is the principle upon which the bill has been rested by its friends, and the only principle upon which it can rest.

Let us then, said Mr. B. inquire into the justice of this proposition. Had the enemy a right to burn and destroy the whole Niagara frontier, because most of the private houses were occupied as barracks and places of military deposite? On this subject he concurred generally with the views of his friend from Virginia, (Mr. Mercer.) If this were established as a correct principle of national law, the consequences would be dreadful, and in many cases, the general devastation of the private property of unoffending individuals must inevitably ensue. War would no longer be a civil game between independent sovereigns; but each individual of the hostile nations would be liable to ruin by the destruction of his property. I will illustrate my views, said Mr. B. by an example. Let an enemy land upon our shores and drive our army beyond the line of our fortifications, what would then be the consequence? Private houses must of necessity be used as places of military deposite and as a shelter for the soldiers. Once, then, establish the principle embraced by this bill, and you justify an enemy in destroying and laying waste the whole country over which he advances. Nay, you do more; you offer him the strongest temptation to commit such outrages. Such, said Mr. B. has never been the practice of civilized nations; and he trusted this government would never sanction the propriety of such outrageous acts on the part of an enemy.

Mr. B. said there was another view which this subject presents, which adds the guilt of perfidy to that of the violation of the laws of war. Whilst the village of Buffalo still presented a

hostile front to the enemy, a capitulation was entered into by Col. Chapin of our army, with Gen. Rial, who commanded the British forces. By that instrument, it was solemnly agreed " that private property and private persons should not be molested or injured." Upon the faith of this capitulation the British forces entered the town. The testimony proves, that, before its date, they were well acquainted with the fact, that a large body of the United States' troops had been quartered there, and that many of the houses were places of military deposite. With a full knowledge of those circumstances, they entered into the capitulation: What was then their subsequent conduct? Instead of separating the military stores from the houses in which they were deposited; instead of destroying public and saving private property, they involved the whole village in one common conflagration. At the most inclement season of the year, in a northern climate, regardless of their faith, they set fire to the town, and drove its inhabitants to seek shelter and bread from the compassion of strangers. And this under pretence of what they well knew before the capitulation, that there were military stores deposited in many of the private houses. And yet this destruction is attempted to be justified by the laws of war established among civilized nations.

Again, said Mr. B. pass this bill, and no member of the committee can form any just estimate of the number and amount of the claims to which it will give birth. The inhabitants of the Niagara frontier are neither better nor worse than their fellow countrymen. This bill is chiefly intended for their benefit. It is to embrace a tract of country of considerable extent, within which the whole mass of people feel a common interest in obtaining from the Government as much as possible. Self love, and the prejudices which necessarily result from it, will induce them to bring every case in their power within the language of the law, and to place the highest value possible upon the property which was destroyed. This bill is without limit, and without bound; and what will be the extent of the appropriation necessary to carry it into effect, the committee cannot even conjecture.

Sir, said Mr. B., I may be asked if I am unwilling to afford these sufferers any relief? I answer, without hesitation, I am not. They have claims upon our generosity, not upon our justice. I would mitigate their calamities, not indemnify them for their losses. They have suffered more than the common misfortunes of war; they are therefore entitled to the compassion

of a paternal government. I would grant them such relief as, whilst it would not be too burdensome on the Treasury, nor produce those ruinous consequences to the nation which must result from establishing as a principle that we will pay the value of private property destroyed by the enemy in violation of the laws of war, might yet mitigate their sufferings. I believe I know several gentlemen of the committee to be of the same opinion. I would give them 150,000 or 200,000 dollars, to be distributed pro rata, in full satisfaction of all demands. If, said Mr. B., you adopt a principle of this nature, you will at once know the extent of your donation, and you will make it the interest of the sufferers themselves to watch over the claims of each other, and see that none are established except those which are supported by principles of justice.

REMARKS, JANUARY 7, 1825,

ON THE BILL FOR THE PUNISHMENT OF CERTAIN CRIMES AGAINST THE UNITED STATES.[1]

Mr. Buchanan, of Pennsylvania, said he highly approved of the general features of this bill. It was a disgrace to our system of laws, that no provision had ever been made for the punishment of the crimes which it embraced, when committed in places within the exclusive jurisdiction of the United States. He thought, however, that the penalty of death was too severe to be annexed to the description of crimes contained in the section under consideration.

The power of punishment vested in Government, said Mr. B. results from the right of self-defence. Vengeance belongs not to man. We should, therefore, be careful not to inflict punishments of a nature more severe than the safety of society requires. In all cases where the character of the crime does not involve such a degree of moral depravity in the criminal as to preclude a reasonable hope of his reformation, it would be both unjust and cruel, in the extreme, to deprive him of life. These principles need not be either illustrated or enforced before this committee.

What, then, said Mr. B. is the nature of the crimes embraced by this section? One clause of it declares that the passenger on board of any vessel who steals and carries away from it goods

[1] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 157–158.

of the value of 1000 dollars, shall suffer death. Is not this punishment out of all proportion with the crime? Is it necessary for the safety of society that death should be the penalty in such a case? Is it possible that a provision of this nature can, in the present improved state of society, be incorporated in our penal code? He believed not. The other crimes enumerated in the section, although more aggravated than the one just mentioned, are chiefly offences against the right of property; and a distinction has generally been made between such crimes and those which are malum in se, or highly criminal by the laws of nature.

What, said Mr. B. is the consequence of annexing cruel punishment to crimes? The people of the United States are humane and compassionate, and when the feelings of society are in opposition to the laws, you cannot carry them into execution. The humanity of juries is interposed between the criminal and punishment. The highest crimes thus often pass unpunished; and the chance of escape is in proportion to the enormity of the offence. Even after conviction and judgment, we know by experience how difficult it is to get the sentence of the law executed. It is the interest of society, therefore, that, in the degree of punishment, justice should be tempered with mercy.

Mr. B. observed, he had been a member of the committee which reported the bill. He might have moved this amendment in the committee, but had neglected to do so. He trusted that the honorable Chairman, (Mr. Webster,) to whom we were so much indebted for the bill, would not object to it.

Mr. B. then moved to strike out, at the end of the section now under consideration, the words—"be deemed guilty of piracy and felony, and shall, on conviction thereof, suffer death;" and insert, in lieu thereof, the words, "be punishable by fine, not exceeding $5,000, and by imprisonment not exceeding ten years."

REMARKS, JANUARY 11, 1825,

ON THE APPOINTMENT OF A COMMITTEE TO EXAMINE THE ACCOUNTS OF THE PRESIDENT.[1]

Mr. Buchanan, of Pennsylvania, said, that, as to himself, he would rather the President had exhibited his claim before the House in a precise and distinct form, and demanded its pay-

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[1] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 176–177.

ment. He did not conceive it necessary for the character of that distinguished individual, that he should request a general investigation of his pecuniary transactions with the Government. But, said he, that was a proper subject for the exercise of his own discretion; and he has determined otherwise. What, then, is it right, we should do?

A well tried, and a faithful public servant, who, for eight years, has occupied the most distinguished station in this country, thinks it necessary for his reputation, to ask of you a general investigation into all his pecuniary transactions with the Government. He considers that his character in this particular has been unjustly assailed; and, about to retire from office, he wishes it to be placed beyond suspicion before the world. For this purpose he has requested of us to inquire into his public conduct, so far as it regards his accounts with the Government. Can we, upon any just principle, refuse this request? Certainly not. He has a right to demand it.

By what committee, then, shall this investigation be made? Gentlemen who think the subject properly belongs to the committee of claims, have, in my opinion, said Mr. B., taken a view of it much too narrow. It is certain that the message of the President asserts the existence of a claim against the government; and if this were all which it contained, it would be a proper subject of reference to the Committee of Claims. But, it is equally certain, it proceeds much further. It asks an investigation of his pecuniary transactions, as a public servant, during the long series of years to which he has been in the employment of the nation. To divide the message and refer a portion of it to one standing committee, and a portion to another, as has been suggested, would separate into parts a subject which is, in its nature, entire. Mr. B. therefore, preferred its reference to a select committee which would possess powers sufficient to grasp the whole subject.

Again, said Mr. B., the message seems to have been misunderstood by gentlemen, in regard to another particular. You are not asked to legislate upon it. No money is, at this time, demanded from you. The President would not make such a request, whilst he stands in his present relation to this House. All he asks is, that a committee shall investigate and report to the House the testimony which he may exhibit, together with his own personal explanations. After his term of office shall have expired, he does not wish to leave his retirement for the

purpose of attending to this investigation. The message expressly disclaims any view to legislation during the present session: it only asks that such preliminary inquiries may be made as will render his personal attendance hereafter unnecessary. Said Mr. B. business of this peculiar nature certainly does not properly belong to any standing committee of this House. After the testimony shall have been reported, it may be proper, at the next session of Congress, to refer a part of it to one of the standing committees, and a part to another.

Mr. B. concluded by observing, that it would be both unjust and unkind to refuse to the President the appointment of a select committee upon the subject.

REMARKS, JANUARY 13, 1825,

ON THE WESTERN NATIONAL ROAD.[1]

Mr. Buchanan said, that, since the adjournment of the House last evening, he had turned his attention to the compact between the United States and the state of Ohio, and he believed if the committee would indulge him for a few minutes, he could clearly explain its character.

By the terms of the original compact of 1802, five per cent. of the nett proceeds of the lands within the state of Ohio, were to be applied "to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same; such roads to be laid out under the authority of Congress, with the consent of the several states through which the road shall pass."

It is clear, then, that the compact gave to the United States exclusive authority over the application of the whole of this fund. The objects upon which they were bound to expend it, were of a two fold nature. The first, roads leading from the Atlantic waters *to* the State of Ohio; and the second, roads leading *through* that State.

The people of Ohio believed, that the portion of this fund which was destined to the construction of roads *within* their state, could be more judiciously and economically expended under the authority of their own Legislature, than by the General Government. In this opinion, they were certainly correct. They,

[1] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 206–207.

therefore, asked Congress to grant them this privilege, and in pursuance of their request, an act was passed on the 3d March, 1803, directing the Secretary of the Treasury to pay to the state of Ohio three per cent. of the five per cent. fund, to be applied by their Legislature "to the laying out, opening and making roads, within the said state, and to no other purpose whatever."

Thus it will be perceived, that the five per cent. fund, which had originally been placed under the exclusive control of the General Government, was separated into two parts. The two per cent. of it was retained by Congress, to be applied to the construction of roads between the Atlantic waters and the state of Ohio; and the remaining three per cent. was given to the state of Ohio, at its own request, to be expended in making roads through that state. It is, therefore, manifest, that, since 1803, the United States have never been bound by the compact, to make any roads *within* the state of Ohio. That obligation passed from them to the Legislature of the state, and three-fifths of the whole fund was granted to them, to enable them to fulfil it. Out of this fund the state of Ohio, previous to the 24th January last, had received the sum of $287,543.94. With what degree of force then, or even plausibility it could be contended by gentlemen, that Congress are bound by the compact to make this road *within the state of Ohio,* Mr. B. said, he would cheerfully leave for the committee to determine.

Mr. B. said that the next subject of inquiry to which he wished to direct the attention of the committee, was, the manner in which the United States had executed the portion of the trust which remained to them. Have they faithfully applied the whole of the two per cent. which they retained, to the construction of roads between the waters of the Atlantic and the state of Ohio? The amount of it which had resulted from the sale of lands in that state, prior to the report from the Treasury during the last session, was $187,786.31, and from Indiana, Illinois, Missouri, Mississippi, and Alabama, $71,623.11. The aggregate is $259,409.42.

Congress have expended upon the Cumberland road about $1,700,000, or nearly seven times the amount of the two per cent. fund of all these states. They did not stop short at a literal compliance with the terms of the compact; but have greatly transcended them, and acted with the utmost liberality towards the western people. That fund has been already pledged to us for the repayment of more than $1,400,000. No gentleman on this

floor can, for a moment, suppose that we shall ever receive from it anything like this amount. In order to realize such a supposition, lands within those states must yet be sold to the amount of $70,000,000. Yet, notwithstanding, the present bill pledges this very fund to reimburse the expense of continuing the Cumberland road from Canton to Zanesville. It is certainly idle and absurd for us to place a pretext so flimsy before the public, in any act of legislation. Gentlemen who advocate this bill should at once abandon its defence upon the ground of the two per cent. fund and compact, and support it upon the principle that it is an internal improvement, which, independently of these considerations, should be undertaken at this time by the General Government.

Mr. B. said that, as he had risen only to advance his ideas respecting the compact with Ohio, and the manner in which the United States had executed their trust, he would no longer, at present, press himself upon the attention of the committee. He would merely state as a fact, in conclusion, that the construction of the Cumberland road had cost more than $13,000 each mile.

REMARKS, JANUARY 21, 1825,

ON THE CHESAPEAKE AND DELAWARE CANAL.[1]

Mr. Buchanan said, he rose to make a short reply to such of the observations of the gentleman from New York, (Mr. Marvin,) as had not been noticed by the gentleman from the same State, (Mr. Storrs,) in the able argument which he had just finished.

The gentleman from New York (Mr. Marvin) commenced his argument, by stating, that we had not sufficient information upon the subject of this canal, to enable us to act wisely. That no survey of the route had been made under the act of the last session, and therefore this appropriation was premature.

It was true, said Mr. B. that no survey has been made under the act of the last session; but the reason is, that such a survey was wholly unnecessary. It would have been a vain labor. That gentleman has not examined the evidence before the House with his usual care, or he never would have urged such an objection. If he had attentively read the report on the subject of the canal,

[1] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 331–332.

which has been laid upon our tables, he would have discovered that the route had been surveyed and re-surveyed again and again. Sir, said Mr. B. the whole face of the country between the two bays has been literally covered with surveys. After all the information had been collected which it was possible to obtain, so prudent and so cautious were the gentlemen who had the management of the Company, that they would not finally fix the route of the canal, until the engineers of this Government should give it the sanction of their approbation. Application was made to the War Department for their assistance, and it was promptly granted. Gen. Bernard and Col. Totten, with the engineers of the Company, carefully examined the different routes; and, after much investigation, finally determined in favor of that one, on which the work is now progressing.

This route, said Mr. B. was not established in accordance either with the interest or the wishes of a majority of the people of Delaware. The citizens both of Wilmington and of Newcastle were opposed to its present location.

It is too far south essentially to promote their prosperity. The truth is, its location was determined much more with the view of making it, what it really will be, the principal link in the grand chain of internal navigation through the Atlantic states, than to subserve the commercial purposes of the cities and towns in its vicinity. Had this alone been the object of the Company, it might have been accomplished for almost half a million less than must now be expended. The work is truly national in its character, and it has been projected on a scale worthy of the nation. Before the passage of the act of the last session, it had received the approbation of the Engineer Department, and of the Secretary of War. What then would have been thought of the conduct of that officer, had he directed a new survey to be made under this act? He deemed it altogether unnecessary. In order to establish this position, I will take leave to read to the House an extract from his late report made to the President. He declares that "the Board was, accordingly, instructed to examine the routes for canals between the Delaware and the Raritan; between Barnstable and Buzzard's bays, and Boston harbor, and Narragansett bay. *The execution of the very important link in this line of communication between the Delaware and the Chesapeake, having been already commenced was not comprehended in the order.*"

And yet, said Mr. B. the gentleman from New York wishes

to have another survey, and more information, before he can feel himself at liberty to vote for this appropriation. Surely, if that gentleman had examined the documents to which I have adverted, his candor would have prevented him from using such an argument against the passage of this bill.

The gentleman has objected to the adoption of this measure, because, he says, it does not appear that the shares, belonging to such stockholders of the old company as were still in debt for their stock, have been forfeited. Said Mr. B. I think it will appear that the gentleman has again mistaken the fact. What says the report upon this subject? It appears from it that, when this great work was about to be revived, the directors called upon the old stockholders for the payment of five dollars on each share, for the purpose of discovering such as might be willing to continue members of the company. Most of the shares upon which the $5 were not paid, according to this requisition, belonged to insolvents and to the estates of deceased persons. These shares have since been forfeited, and sold at public auction, pursuant to the order of the board. In all cases in which there was a reasonable prospect of recovery, the gentleman from Delaware, (Mr. M'Lane) informs me, suits have been instituted by the company.

The gentleman from New York has, therefore, no cause of alarm on this account. Self-interest is sharp-sighted; and it is for this reason that the money of the Government can never be more securely invested, nor more economically applied, than when it is connected with that of individuals, and shares the same fate.

The gentleman from New York has urged, as an argument against the passage of this bill, that our subscription should have been conditional, and not to take effect until the remainder of the stock, necessary to complete the canal, shall have been subscribed.

I am extremely sorry, said Mr. B. that the gentleman had not made this discovery before the bill was on its third reading, when it cannot be amended. Had he offered such an amendment at the proper time, it would, no doubt, have been adopted by the friends of the bill. But is such a provision necessary to secure the completion of the work? Certainly not. The present stockholders have already given you a pledge of $700,000, that they will not suffer this great national work to sink. After you shall have subscribed $300,000 there will then be little more than $200,000 necessary to complete it. There is no necessity for the

condition proposed by the gentleman, unless you believe that, in regard to this canal, the nature of man will be reversed, and the dictates of self-interest disregarded.

I would ask the gentleman seriously, whether he can believe there is any danger, that the individuals interested in this undertaking, after $1,000,000 shall have been expended upon it, will suffer it to sink into ruin, rather than advance the sum necessary for its completion? Whether they will voluntarily abandon the tolls and the other advantages which will flow from it, and lose 700,000 dollars, rather than incur an additional expense of 200,000 dollars?

The Company have already made contracts for the whole of the work. They have thus pledged themselves to the contractors for its completion. They are, therefore, not only bound by their interest, but by the obligation of their contracts to finish it. Such a condition, therefore, as that suggested by the gentleman from New York is wholly unnecessary.

Mr. B. said, that as he had risen merely to answer the arguments of the gentleman from New York, and not to enter generally upon the debate, he would now resume his seat.

TO THOMAS ELDER.[1]

WASHINGTON 24 Jan: 1825.

DEAR SIR/

A considerable sensation was this day produced in the House of Representatives by the circulation of a report that the States of Kentucky & Ohio had determined to support Adams. In my opinion there is no doubt that such is their present intention. Mr. Clay has declared himself to be friendly to the election of Adams. You may shew this letter to Hamilton if you think proper; but I do not wish it published. Comment is unnecessary.

from your sincere friend in haste

JAMES BUCHANAN.

THOMAS ELDER ESQUIRE.

[Enclosure.] The intelligence that the Louisiana Legislature had chosen her electors is published in the National Intelligencer of *Friday, December 17, 1824,* as follows:

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[1] Buchanan Papers, Historical Society of Pennsylvania.

"The Louisiana Election—There is at length an end to all doubt on the subject of the Electoral Election in LOUISIANA, the only state from which we were without certain information. She has chosen her five electors, after six ballotings in her Legislature, four of whom will vote for Gen. Jackson, and the other, it is supposed, for Mr. Adams. This is what has been for some time anticipated. It is now settled, past doubt, that the three citizens from among whom the House of Representatives is to make choice of a President, are: Andrew Jackson, John Quincy Adams, and William H. Crawford."

[From Niles' Weekly Register of *January 22, 1825.*] PRESIDENTIAL.—The following resolutions have been adopted by the House of Representatives of Kentucky, 73 to 11. In the Senate they had not been acted upon at the latest date we have seen:

Resolved, by the Senate and House of Representatives of the commonwealth of Kentucky, that the members of the House of Representatives in the Congress of the United States from this state, be requested to vote for Gen. Andrew Jackson as president of the U. States.

Resolved, as the opinion of the legislature, that Gen. Andrew Jackson is the second choice of the state of Kentucky for the next President of the United States; that a very large majority of this state prefers General Jackson to Mr. Adams or Mr. Crawford, and that the members of the House of Representatives in the Congress of the U. States will, by complying with the request herein signified, faithfully and truly represent the feelings and wishes of the good people of Kentucky.

Resolved, That the Governor of the commonwealth of Kentucky be requested to forward, forthwith, a copy of the foregoing resolutions to each of our representatives in the Congress of the United States.

REMARKS, FEBRUARY 2, 1825,

ON THE ELECTION OF PRESIDENT.[1]

Mr. Buchanan said he rose with diffidence to express his opinion upon this subject. Like his friend from Delaware, (Mr. M'Lane,) he disclaimed the intention of making any remark which might have an allusion to the peculiar situation of the members of this House, in regard to the approaching election. He considered the present to be a question of great importance, and that its decision would establish a precedent, which, in future times, might have a powerful influence upon the interests of this country. He was sorry to say he had arrived at a conclusion in direct opposition to that of his friend from Delaware, (Mr. M'Lane.) The reasons which had led him to that result, he would state to the House.

The American people, said Mr. B. have a right to be present and inspect all the proceedings of their representatives, unless

[1] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 422–423.

their own interest forbids it. In relation to our concerns with foreign Governments, it may become necessary to close our galleries. Our designs, in such cases, might be frustrated, if secrecy were not, for a time, preserved. Whenever there shall be disorder in the gallery, we have also a right to clear it, and are not bound to suffer our proceedings to be interrupted. Except in these cases, he at present could recollect none which would justify the House in excluding the people.

In electing a President of the United States, said Mr. B. we are, in my opinion, peculiarly the representatives of the people. On that important occasion we shall, emphatically, represent their majesty. We do not make a President for ourselves only, but also for the whole people of the United States. They have a right to insist that it shall be done in public. He, therefore, protested against going into a secret conclave, when the House should decide this all important question. He said that the doctrine of the gentleman from Delaware, (Mr. M'Lane,) was altogether new to his mind. That gentleman has alleged that we are called upon to elect a President, not as the representatives of the people, but by virtue of the constitution. Sir, said Mr. B. who created the constitution? Was it not the people of the United States? And did they not, by this very instrument, delegate to us, as representatives, the power of electing a President for them? It is by virtue of this instrument we hold our seats here. And, if there be any case in which we are bound to obey their will, this is peculiarly that one. To them we must be answerable for the proper exercise of this duty.

What are the consequences, said Mr. B. which will result from closing the doors of the gallery? We shall impart to the election an air of mystery. We shall give exercise to the imaginations of the multitude, in conjecturing what scenes are acting within this Hall. Busy Rumour, with her hundred tongues, will circulate reports of wicked combinations, and of corruption, which have no existence. Let the people see what we are doing; let them know that it is neither more nor less than putting our ballots into the boxes, and they will soon become satisfied with the spectacle, and retire.

The gentleman from Delaware, (Mr. M'Lane,) has urged upon us the precedent which now exists on this subject. Mr. B. said, he revered the men of former days, by whom this precedent was established. He had good reason, however, to believe, that the intense excitement which existed at that time among the

people, at the Seat of Government, was occasioned, in a considerable degree, by their exclusion from the gallery.—They came in crowds into the House, but were prohibited from entering the Hall. Currents and counter-currents of feeling kept them continually agitated. New conjectures of what was doing within, were constantly spreading among them. Mystery always gives birth to suspicion. If those people had been permitted to enter, much of the excitement which then prevailed would never have existed.

It has been said, that there might, and probably would be disorder, if we admitted the people into the gallery. Mr. B. could scarcely believe this possible. He had too high an opinion of the American people to suffer himself to entertain such an apprehension. Should we, however, be mistaken, where is the power of the Speaker? Where that of the House? We can then turn them out, and we shall then have a sufficient apology for doing so. But, to declare, in the first instance, that they shall be excluded, upon the request of any one out of twenty-four states, would be a libel both upon the people of the United States and the members of this House. Mr. B. asked pardon for this expression, if it were considered too harsh.

Mr. B. said he knew well his friend from Delaware was willing that all his conduct, in regard to the Presidential question, should be exhibited before the public, and that it was principle, and principle alone, which had suggested his remarks.

That which gives this subject its chief importance, Mr. B. said, is the precedent. He was anxious that it should be settled on sure foundations. If the rule, in its present form, should be adopted, it may, and probably will, be dangerous in future times. At present, our Republic is in its infancy. At this time, he entertained no fear of corruption. In the approaching election, it can therefore make but little difference, whether the gallery shall be opened or closed. But the days of darkness may, and, unless we shall escape the fate of all other Republics, will come upon us. Corruption may yet stalk abroad over our happy land. When she aims a blow against the liberties of the people, it will be done in secret. Such deeds always shun the light of day.—They can be perpetrated, with a much greater chance of success, in the secrecy of an electoral conclave, than when the proceedings of the House are fully exposed to the public view. Let us then establish a precedent, which will have a strong tendency to prevent corrupt practices hereafter.

Mr. B. concluded by observing that, whether we regard the precedent to be set, the nature of our Government, our own character, or that of the people whom we represent, they all conspire to induce us to adopt the amendment.

REMARKS, FEBRUARY 21, 1825,

ON DRAWBACK DUTIES.[1]

Mr. Buchanan, of Pennsylvania, professed himself in favor of the bill, as having a favorable influence on the trade of this country, especially to South America—it enabled the merchant to go into that market two per cent. cheaper than at present, and argued the policy of securing that trade as speedily as possible. He replied to Mr. Trimble, and concluded that no law, proper in itself, should be objected to, because it happened to benefit foreigners. He thought the bill would have a beneficial effect on the manufacturing interest.

REMARKS, MARCH 1, 1825,

ON THE BILL FOR THE SUPPRESSION OF PIRACY.[2]

Mr. Buchanan then moved to amend the bill, by reducing the number of sloops of war from ten to five, and the sum appropriated from $500,000, to $425,000.

In support of his motion, Mr. B. observed, that the present was a bill for the suppression of piracy, and not for the increase of the Navy. He thought that if Congress gave the Executive all he asked, they certainly did all that was needed. The Secretary of the Navy asked only for four sloops of war; he was willing to give him five. (Here Mr. B. quoted the letter of the Secretary.) He thought it was wisest in Congress to keep the power in their own hands. It was manifest, that only 5 sloops could be built, for the $500,000 would build no more—$425,000 was sufficient for this purpose, and he therefore proposed that sum. He did not wish to be understood as holding the opinion that it was not proper to increase the Navy, but he did not think it proper to authorize so large an increase of it at the present time.

[1] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 636.

[2] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 729.

REMARKS, MARCH 1, 1825,

ON THE BILL TO SUPPRESS PIRACY.[1]

Mr. Buchanan observed, in reply, that he was sorry at this late hour to come in collision with the gentleman from Massachusetts. He could not but notice, however, that that gentleman had not thought fit to reply to what he had advanced as a principal argument in favor of the amendment he proposed, that only 500,000 dollars were appropriated, and five sloops of war would cost $425,000. Could we not repose confidence in the next Congress; could we not leave them to judge, since only five ships could be built this year, whether five more would be wanting next year? It was vain to say that a number of ships should be built, not exceeding ten, and then to give means only for five. If ten were intended to be given, they would cost $850,000. Perhaps it was not held politic to spread such an amount before the people. The Senate had passed a bill for ten sloops of war in the early part of last session. But, during all of last session, and all of the present, until now, the House had refused to take up that bill. Was it proper, at this late moment, to enter into a discussion about the increase of the Navy? We had already spent eight millions on the Navy—he wanted to know how this had been spent; and whether the ships which had been built corresponded with the law. He wanted to know whether the ancient discipline was still continued. He doubted the propriety of incorporating in a bill for the suppression of piracy, provisions which went, in fact, to increasing the Navy.

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Mr. Buchanan, in reply, said the gentleman appeals to me, but I can assure him he appeals in vain. He, however, has been chosen a member of the next Congress—I also have; and if he shall then make to me the same appeal, I promise him that appeal shall not be made in vain.

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Mr. Buchanan observed, in reply to Mr. Webster, that that gentleman had begun his speech in a manner he did not expect from him, and had expressed himself as much amazed that he (Mr. B.) should not be able to comprehend how the money

[1] Register of Debates, 18 Cong. 2 Sess. 1824–1825, I. 730, 731, 732.

appropriated is spent. He must have been very stupid indeed, to doubt for a moment that any sum that we may appropriate would be spent by the Navy Department. But he knew that timber was already bought, and he did not see the necessity of appropriating money to buy it. He, too, was for beginning before we end. He would begin now with five ships, and end next Congress with five more. He was sorry to repeat an argument he had already more than once employed: but he could not comprehend why there should be so much tenacity manifested for building ten ships, when the 500,000 appropriated, would not build them. But he presumed the plan was now, to get the House to say, that the ships shall be built, and then to say, that next session the money required must be appropriated. He was opposed to this proceeding. Why should not the House retain its discretion, as to granting or not granting the means to build the other five, if at next session we should deem them necessary?

TO GENERAL JACKSON.[1]

May 29, 1825.

My Dear General:

I write this letter from Mercersburg, being now on a visit to my mother and the family. I have no news of any importance to communicate, but both inclination and duty conspire to induce me to trouble you occasionally with a few lines, whilst you must be gratefully remembered by every American citizen who feels an interest in the character of his country's glory.

You have imposed additional obligations upon me by the uniform kindness and courtesy with which you have honored me.

In Pennsylvania, amongst a vast majority of the people, there is but one sentiment concerning the late Presidential election. Although they submit patiently, as is their duty, to the legally constituted powers, yet there is a fixed and determined resolution to change them as soon as they have the constitutional power to do so. In my opinion, your popularity in Pennsylvania is now more firmly established than ever. Many persons who heretofore supported you did it cheerfully from a sense of gratitude, and because they thought it would be disgraceful to the people not to elevate that candidate to the Presidential Chair,

[1] Curtis's Buchanan, I. 44.

who had been so great a benefactor of the country. The slanders which had been so industriously circulated against your character had, nevertheless, in some degree affected their minds, although they never doubted either your ability or patriotism, yet they expressed fears concerning your temper. These have been all dissipated by the mild prudence and dignity of your conduct last winter, before and after the Presidential election. The majority is so immense in your favor that there is little or no newspaper discussion on the subject. I most sincerely and fervently trust and hope that the Almighty will preserve your health until the period shall again arrive when the sovereign people shall have the power of electing a President.

There never was a weaker attempt made than that to conciliate the good opinion of Pennsylvania in favor of the administration by the appointment of Mr. Rush, although no appointment could have produced the effect desired; yet, if the President had selected Mr. Sergeant, he would have chosen a man who had been his early and consistent friend, and one whose character for talents and integrity stands high with all parties in this State. Mr. Rush was a candidate for the office of elector on the Crawford ticket. I verily believe his appointment will not procure for the administration, out of the city of Philadelphia, twenty new friends throughout the State. In that city their additional strength is limited to John Binns and a few of his devoted followers.

I hope Mrs. Jackson, ere this, has been restored to her accustomed health. When I left her, I felt some apprehensions in relation to the issue of her disease. Please to present to her my kindest and best respects, and believe me to be ever your sincere friend,

JAMES BUCHANAN.

FROM GENERAL JACKSON.[1]

HERMITAGE, June 25, 1825.

DEAR SIR:

I have the pleasure to acknowledge the receipt of your kind letter of the 29th ult., which has just reached me.

That respect which I formed for your character on our first acquaintance increased with our friendly intercourse, and to you was only extended what

[1] Curtis's Buchanan, I. 45.

I viewed a debt due to your merit as a gentleman of intelligence and urbanity. It is, therefore, a source of much gratification to me to receive a letter from you, detailing the friendly feelings of the citizens of Pennsylvania toward me.

It is gratifying to hear, through you, that the confidence and support which the majority of the citizens of Pennsylvania expressed for me, by their vote on the Presidential question, will not be withdrawn by the artful and insidious efforts of my enemies. This is another evidence of the firmness and indulgence of the freemen of Pennsylvania. This organized plan of calumny and slander, levelled against me by the unprincipled and wicked, will not owe its defeat to any effort of mine, unless it be that which always attends truth and a conscious rectitude of conduct, when submitted to an untrammelled and honest public. The continued good opinion, therefore, of my fellow-citizens of Pennsylvania, lays me under additional obligations, whilst it connects my name with another guaranty of the wisdom of our government—I mean in furnishing to posterity another example of the weakness of demagogues when endeavoring to advance to power upon the destruction of innocence.

It is much to the honor of the good citizens of Pennsylvania that they calmly submit to the legally constituted power; this all good citizens will do, who love a government of laws, although they show much disapprobation at the means by which that power was obtained, and are determined to oppose the men who obtained power by what they believe illicit means. The great constitutional corrective in the hands of the people against usurpation of power, or corruption by their agents, is the right of suffrage; and this, when used with calmness and deliberation, will prove strong enough. It will perpetuate their liberties and rights, and will compel their representatives to discharge their duties with an eye single to the public interest, for whose security and advancement government is constituted.

I have not yet been so fortunate as to fall in with Mr. Frazer, although I have made inquiry for him. Should I meet with him, be assured it will be a gratification to me to extend to him those attentions due to any of your friends.

I regret very much that the bad health of Mrs. J. prevented me from passing through your hospitable town. I assure you, could we have done so, it would have afforded Mrs. J. and myself much pleasure. Mrs. J.'s health is perfectly restored. So soon as I got her to breathe the mountain air of Pennsylvania, she mended by the hour.

We are also blessed, in this section of the country, with the promise of fine crops. Our cotton promises a good crop. This is six days earlier than ever known in this section of country.

Mrs. J. joins me in kind salutations to you, with our best wishes for your happiness. Your friend,

ANDREW JACKSON.

REMARKS, DECEMBER 15 AND 16, 1825,

ON THE CASE OF COMMODORE PORTER.[1]

[Dec. 15.] The House proceeded to the consideration of the following resolution, yesterday submitted by Mr. Buchanan:

Resolved, That the Secretary of the Navy be directed to lay before this House the proceedings of the late Court of Inquiry and Court Martial, in relation to the case of Commodore Porter.

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Mr. Buchanan said, he had no other motive in calling for the Proceedings in the case of Commodore Porter, than to give publicity to those Proceedings. Not conceiving, however, that the fact of reciprocation of copies of printed papers between the two Houses, obviated the propriety of this House calling, independently of the proceedings in the Senate, for any papers it desired to possess, Mr. B. still desired the question to be taken on the passage of this resolution. He understood that the documents which it embraced were already printed, and it could do no harm to shew, by the resolution, the disposition of the House to have them before it. If any objection existed to the object of the resolution, Mr. B. said he would, on its being stated, endeavor to answer it; but he did not deem it either correct or politic to anticipate objections to his proposition.

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Mr. Buchanan said, he did not perceive, himself, that this amendment was necessary. But it could certainly do no harm, and would make the resolution more comprehensive. He therefore accepted the amendment as a part of his motion, and agreed that it should form a part of the resolution.

Mr. Webster inquired whether it was not usual, in calling on the President for copies of correspondence, to refer the matter to the exercise of a discretion on the part of the President, as to the propriety of making the communication asked for. To communicate correspondence, without reserve, might, in some cases, and possibly in this, be prejudicial to the public interest.

Mr. Buchanan said he was perfectly willing to assent to any amendment whatever of the resolution, which did not go to defeat its object.

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[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 1, pp. 806, 807, 808, 815–817.

Mr. Webster suggested the propriety of letting the resolve lie on the table till to-morrow, to give time to ascertain whether the House would not receive the papers for which the resolution proposed to call, without passing the resolution.

Mr. Buchanan said he had no wish to press the resolution, but he could not see what objection there could be to acting on it now. The information called for by the Senate was for the Senate's use, and not for this House. The information ought to be regularly before the House, and Mr. B. therefore wished his motion, as it had been introduced, to pass. Why not pass it to-day? At the same time, as the gentleman from Massachusetts seemed to wish the postponement, Mr. B. said he would not press it on the House at present; but, if it were laid on the table, he should think it his duty to call up the resolution to-morrow, that the sense of the House might be taken upon it.

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[Dec. 16.] On motion of Mr. Buchanan, the House took up (not without a number of negative voices) the resolution offered by him the day before yesterday, calling for the Proceedings of the Court Martial and the Court of Inquiry, recently held upon Commodore David Porter.

Mr. Buchanan said, that when he had the honor of submitting this resolution, he had supposed that it would pass, as a matter of course, and not a word be necessary to be said upon the subject. So firmly was he of that opinion, that he thought it needless to trespass on the attention of the House, to show any reasons for its passage. The unwillingness which had been shown to act upon it, made it his duty now to submit a few observations in reference to it; having done which, he should submit it to the pleasure of the House.

What, asked Mr. B. is the purport of this resolution? It proposes a call on the Secretary of the Navy, for a copy of the Proceedings of the late Court Martial and Court of Inquiry in the case of Commodore Porter. Is this, said he, a novel request? No; it is of a nature of others which have repeatedly met the approbation of this House. Within my own distinct recollection, three cases of this kind occurred during the last session of Congress, in which the calls were granted as matter of course, viz: in the case of Major Babcock, that of Lieutenant Weaver, and that of Lieutenant Conner. And, sir, *ought they not* to have been granted? The question is not now upon the printing of

these documents—though, if it were, he believed he could satisfy the House of the propriety of their being printed, and that an objection to calling for information, because of the contingency, that it might, when obtained, be ordered to be printed, was an argument entitled to no weight at all—the question is, how are we, who want it, to obtain this information, but by availing ourselves of the authority of this House to obtain it? As to applying personally at the Department for it, Mr. B. said an individual member of this House had no more right to require information from any of the Departments, than any other individual. Was it proper, he asked, that members of this House should go, one after the other, to the Departments, and ask, each for himself, to see papers, and obtain information which concerns the welfare of the whole? Certainly not. The practice, therefore, has been, and he trusted would continue to be, when a member of this House, representing, as each member does, an important portion of this community, calls for a public paper, he shall have it by a vote of this House. It had been suggested yesterday, and with great deference he must say the suggestion was wholly out of order, that these papers had been called for by the Senate, and that, therefore, it was not necessary to call for them here. But, said he, is there any other mode in which the information could be properly in possession of this House, than by calling for it ourselves? Is the Head of a Department responsible to *us* if he do not send to the Senate *all* the documents in any case? Far be it from me to say, that the respectable Head of that Department would in any case withhold documents proper to be communicated—I have no such opinion of him; but, as an argument, this supposition may serve to show that this House ought itself to call for whatever papers it has occasion for.

It had also been suggested, that this House ought not to call for any documents on any Department of the Government, unless the Member moving the call will avow that he has a specific object in doing it. Now, Mr. B. said, it was obvious that a Member must see and know the contents of a document before he can judge whether or not it be proper to found any measure upon them. In the present case, Mr. B. said, he did not meditate any ulterior proceeding. He had called for these documents, and he had expected that they would have been granted as a matter of course, for the purpose of examining them critically for himself, and whether any ulterior proceeding was to be moved, or not, would depend on the aspect of the documents after they were submitted.

What, then, said Mr. B. is the nature of the question presented by this resolution? There is a gallant officer of our Navy, who has been tried by a Court Martial, and convicted—whether correctly or not, I do not wish to express an opinion; I cannot, until I see the documents, to enable me to form one. It is an unquestionable fact, that, in regard to that trial and its result, the country is divided in sentiment. The friends of this officer—an officer who has shed lustre on the character of our Navy; whose fame is such that our sister Republics vie with one another in offering him inducements to engage in their service—the friends of this officer come forward, and ask that the proceedings of the Courts in his case should be laid before the Representative tribunal. Is this an unreasonable request? Is it an argument against complying with such a request, that our *impoverished* and *embarrassed* Treasury may be called upon to defray the expense of printing these papers when received? There is, in this country, a tribunal higher than this—which reviews the proceeding of every other, and judges both the accuser and the accused according to their desert—the tribunal of PUBLIC OPINION. Is nothing due to that tribunal? Is it not due to the People that these papers should be laid before them? That, said Mr. B. is all that I ask; and if any one supposes that I had any view, in offering this resolution, but to obtain correct information for myself and others who desire it, they are entirely mistaken. And, Mr. B. said, if he understood rightly, the expense of printing the papers, when received, need not be incurred in this case: for, so proper had the Secretary of the Navy considered it that the proceedings of the Court Martial should be made public, he had already caused them to be printed and held in readiness to be laid before Congress, if called for.

It had been suggested, yesterday, that this call for papers ought to have been addressed to the President of the United States, with a reservation to that officer of a discretion as to the propriety of communicating the papers called for.

Mr. B. said, on referring to the Journal of the last session, he found that, in the case of Major Babcock, the Secretary of War had been called upon to communicate the proceedings of the Court; so that there was nothing unusual in the form of the proceeding now proposed. Nor could he believe that there were any documents connected with the trial in the case of Commodore Porter that it would be improper to communicate to Congress. If the respectable gentleman from Massachusetts thought other-

wise, however, he could move an amendment to that effect. Mr. B. concluded by remarking, that he would rather that this resolution should have passed without a word from him in relation to it, and he now submitted it entirely to the pleasure of the House.

The question was then taken on the passage of the resolution, and was decided, without a division, in the affirmative.

REMARKS, DECEMBER 27, 1825,

ON LOSSES IN THE COLLECTION OF CUSTOMS.[1]

Mr. Buchanan said, he thought it due to the Collector of the Port of Philadelphia, that the amendment proposed by the gentleman from Virginia should pass. If a long life of unsuspected integrity and public usefulness could constitute a claim to the favorable consideration of the House, this amendment should be adopted in justice to that officer. The resolution introduced by his colleague (Mr. Wurts) embraced not only the inquiry, whether goods had been illegally removed from the stores of the custom-house, but, also, what had been the conduct of the officers who had those goods in charge. If it should be ascertained that these goods had been illegally removed, then the case would present an aspect in which the information asked by the amendment might become very important. There was a striking difference between negligence and intentional guilt. If it should eventually appear that the losses sustained by the Government proceeded from the illegal conduct of the Collector, which, however, he did not believe to be the case: then it would be highly important to know what had been his conduct immediately after the discovery and disclosure of the transaction. If every exertion upon his part had been promptly made to protect the public interest and repair the injury which had been done, it was a circumstance which ought to go far in redeeming his character from the imputation of an intentional violation of the law, and was a fact which, in justice, should be made known. Mr. B. said, he concurred in the sentiments expressed by his friend from Delaware, except in the opinion that the object proposed by the amendment ought to be a distinct subject of inquiry. He thought it was one entire transaction, and that justice to the parties concerned required that the whole information should come together from the Department.

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[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 1, p. 860.

1826.

REMARKS, JANUARY 5, 1826,

ON THE JUDICIARY SYSTEM.[1]

Mr. Buchanan observed, that he could not concur in sentiment with the gentleman from Virginia. The provision which allowed the Judges themselves to fix upon their own allotment among the several districts in the United States, still existed. That provision had continued in existence till now, without any inconvenience, that he had ever heard of, having been sustained in consequence of it. Was it not a proper arrangement? Could any argument of force be alleged against it? Who is it that is appointed a Judge of the Supreme Court of the United States? The President makes a selection of these officers over the whole Union. He seeks for men in whom natural intellect has been matured by study and experience; who possess firmness, energy, and weight of character—men eminent in their profession and learned in the law. Men, in whom these requisites unite, may not always be found in every section of the Union, and the intention of the law is, that, after they shall have been selected, wherever they may chance to be, they shall be brought together, and shall then distribute themselves through the various districts of the Union, in such manner as shall best consult their own personal convenience, and the interests of the country at large. Such had been the practice through an unbroken series of years, and to say now, that particular individuals shall be fixed to this or that particular Circuit, would be to interfere with a Judicial right. If one of the Judges shall die, or shall resign his office, a new allotment is necessary, and this gives opportunity for the President to make a choice wherever he shall see fit, and then the new Judge falls into the general arrangement, and is allotted as best suits the convenience of all parties. Is there, said Mr. B. any danger here—is there any formidable cause of alarm—is it likely, Mr. Chairman, that the three new Judges will be able to control and overrule the seven old ones? Is there the remotest probability, that any one of the Atlantic Judges will, by such an influence, be removed against his will across the Alleghany Mountains? The power of choosing their own Circuits has been vested in these Judges since the foundation of the Government, and an attempt,

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 1, p. 887.

by this amendment, to incorporate into the law a new system, would be likely, instead of being beneficial, to prove highly injurious. The Committee on the Judiciary, in presenting the bill in its present form, had been influenced by a wish to permit the subject to come fairly and simply before the House. In that simple form he hoped that the principles of this measure would receive their discussion, and that the subject would not be embarrassed by adding to the bill any new provisions at present. Let the gentleman's measure be argued as a general measure, and then let it stand or fall on its own merits.

SPEECH, JANUARY 9 AND 10, 1826,

ON THE JUDICIARY SYSTEM.[1]

Mr. Buchanan said that he should make no apology for troubling the committee at this time; his situation as a member of the Committee on the Judiciary, rendered it his duty to occupy their attention. The able speech of the gentleman from Virginia required an answer: for that gentleman had brought forward nearly every thing which could be urged with any sort of weight against the measure proposed in the bill. He should endeavor to follow the course of his arguments in such a reply as he might be able to offer. In doing so, he would first be under the necessity of directing the attention of the committee, for a short time, to a part of the judicial history of this country. In the year 1802, Congress had this subject before them, (he would not carry the committee to a period further back) and, at that time, the present Judicial system had been established. The entire territory of the United States was then divided into six circuits. A Circuit Judge was assigned to each of them, and these six Circuit Judges constituted the Supreme Court of the United States. The question to be determined at that time, was between what was called the Circuit Court System, and that which was adopted, and which at present prevails. The respective merits of the two systems were fully compared, and the question of preference deliberately settled—nor has a whisper of disapprobation, for many years past, been heard against the result. The plan adopted has received the seal of experience; a vast number of important controversies have been submitted to the adjudication of the tribunal

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 1, pp. 916–925, 927–929, 930–932.

then established; and the principles involved have been decided in a manner which has secured to the Court the entire confidence of this whole People.

The next event worthy of notice which occurred in our judicial history, was in 1807, when Congress again had the subject before them. The question then was, whether they should depart from the system adopted in 1802, or should extend it, in its existing form, to the increased wants and exigencies of the country. The result was, the passing of an act, by which a seventh Judge of the Supreme Court was added to the six already on the bench, and a circuit was assigned to him, consisting of Tennessee, Kentucky, and Ohio.

I was therefore greatly astonished to hear from the gentleman from Virginia, that the principles contained in this bill were new. So far have the committee been from recommending any new project, that, on the contrary, they have but proposed to extend to other portions of the Union, the benefits of a system, the wisdom of which has been already tested by the experience of all the Atlantic States. In 1802, Ohio was only a Territory—but in 1807, she had become a respectable State, and Kentucky and Tennessee were then fast rising into importance. Congress therefore, resolved, at the latter period, to extend to these important members of the Confederacy, the benefits already enjoyed by their sister States. In consequence of this determination, the Judge who has been so highly, and so deservedly eulogized in the speech of the gentleman from Virginia, was put upon the bench. This system has continued without alteration, addition, or complaint, for a period of eighteen years: and the question for the committee now to decide is, whether the country shall go on in this prosperous and happy judicial course, extending the present well-tried system to meet the wants of the People, or whether we shall commence a career of new and untried and hazarded experiments.

The first inquiry to be answered is, Does the judicial situation of the United States require the change?

And, on this point, the gentleman undertook the Herculean task. He attempted to prove, that the present bill is not required by the necessities of the country. The argument of the gentleman, has, however, in this particular, contradicted itself: for, although he set out with declaring, and adducing arguments to prove, that so cumbrous a machinery as three additional Judges was not necessary, he concluded his speech by pledging himself

that he should offer as a substitute, if the committee would consent to strike out the first section of the bill, the establishment of ten circuits, and the appointment of *ten new Judges*. If, as the gentleman endeavored to persuade us, the present organization of the system is adequate to supply the wants of the country, how can he reconcile it to himself to offer such a proposition as he has bound himself to do, in case his motion should prevail? Surely the gentleman cannot wish to establish so many sinecures.

But, Mr. Chairman, it is not a fact that the present number of Circuit Courts is adequate to the wants of this nation. The complaints of the whole Western Country are spread before you. The citizens of that part of the Union are clamorous for some change, or some extension of the system; and, in my opinion, they have the justest reason for urging their demands. Sir, the administration of justice, as has been justly observed in the course of this debate, goes home to the bosom of every society. The wisest and most wholesome laws are passed in vain, unless they are so administered, and executed, as to carry the benefits they contain to the People for whom they are provided.

Your statute book may be loaded with wise and judicious regulations; but if, from a defect in the organization of the judicial system, they never reach the great body of the People, they are but as a sounding brass and tinkling cymbal. The office of Judge is one of the greatest dignity, and of the greatest importance to the country. The Judge has it in his power to do more good or evil than any other officer of your Government, because he, and he alone, is to carry those laws into effect, which directly bear upon the interests of the great body of People. With reference to these considerations, Mr. B. undertook to prove, not only that the Committee on the Judiciary were justifiable in reporting this bill, but that they would have neglected the most solemn obligations of duty had they neglected to do it.

What, Mr. B. asked, was now the situation of that portion of the country, included within the Seventh Judicial District—the States of Tennessee, Kentucky, and Ohio? In the year 1807, Congress extended to them the benefits of the Circuit Court system; and what had since then occurred? Look at the position and extent of those States, on the map, said Mr. B., and consider that the Judge of that Circuit Court has to travel over them, and hold Courts in each of them twice in each year, and that, in addition to the performance of all these important and laborious duties, he is obliged to attend, annually, the session of the Supreme Court in

this city. A man must be more than mortal who could perform all these duties. Suppose it were in his power, for a time, to dispatch all this judicial business, yet, unless his constitution were equal to that of Hercules, the labor to which he would be exposed, must, in a short time, destroy him. Such was, in fact, the case, with the respectable Judge of whom the gentleman from Virginia had spoken in terms of such high and just eulogium. Is not that Judge, at this moment, stretched on his sick bed, in consequence of his attention to the discharge of his judicial functions? Has he not experienced that the labor you impose upon him is unmerciful, and such as you ought not to impose upon any Judge in this country? Mr. B. asked of the gentleman from Virginia to consult his feelings, and say whether this faithful and valuable public servant should literally be killed by the imposition upon him of duties which it was impossible for any human constitution to perform? Although this was a strong argument, appealing to the feelings of members in favor of the bill, because we ought not to act toward others as we would not to ourselves, yet, said Mr. B., let us look at it in another point of view.

Is justice, then, administered according to law, in the three States referred to? For, Mr. B. said, he spoke of them now, particularly as the gentleman from Virginia had particularly directed the attention of the committee to them. He held in his hand, he said, the memorial from the bar of Nashville, signed by G. W. Campbell, as Chairman, and Felix Grundy, as Secretary; gentlemen whose standing was well known to this House and to the country. The memorial detailed such facts in relation to causes depending in the Federal Court in that part of the country, that, so far from being astonished at what have been called the clamors of the West on this subject, Mr. B. said that he was astonished that their clamors had not been more loud, and oftener reiterated on this floor. In addition to the facts which have already been stated relative to this part of the subject by the Chairman of the Judiciary Committee, the memorial declares, that "the Seventh Circuit, consisting of Kentucky, Ohio, and Tennessee, is too large for the duties of it to be devolved on one man"; and it was absolutely impossible for the Judge assigned to this circuit, to fulfill the letter of the law, designating his duties. Such has been the delay of justice in the State of Tennessee, that some of the important causes now pending in their Circuit Courts, are older than the professional career of almost every man at the bar.

What answer can the Committee make to this memorial? These men, whose interest and inclination it was to have the business before the Court determined, have come forward, and pledged their veracity for the truth of such facts, as, if believed by the Committee, will conclusively prove that the delay of justice has become so great as to amount to its denial. Was not such a state of things a mere mockery of justice? Was it not holding up a delusion to the People of that State, disappointing them of the reality? Was it not the greatest injury, he asked, that could possibly occur in a new country, to have its land titles held in suspense for so many years? If this memorial is to be credited, it puts the question at rest, as to the necessity of a new organization of the present system, as regards the State of Tennessee.

And how was the fact in the State of Kentucky, another District in the same Circuit? The Chairman of the Judiciary Committee had stated that, in that Circuit, two thousand causes had been disposed of within the last three years—of which statement the gentleman from Virginia had made a very ingenious use. But the gentleman from Massachusetts, at the head of that Committee, had not stated that the two thousand causes had been *tried* and determined in that Court. Mr. B. appealed to any lawyer, in this House, or to any gentleman experienced in the business of Courts, whether it was not the fact that nine-tenths of all the cases depending in Courts never require a trial, being cases involving no question either of law or of fact. A very large portion of the two thousand causes decided in the Kentucky district were of that description. Of what description were the causes which remained on the docket of that Court? A great part of them those which were for trial, such as the Court have not been able to hear and decide. The causes depending at this time in the State of Kentucky, are between nine hundred and one thousand. If there were a State in the Union in which it was important that the judicial business should be promptly and certainly transacted, it was that State. With regard to the District of Ohio, Mr. B. said, he had also in his hand a memorial from the Bar of that State, on the same subject and to the same general effect as the representations from Tennessee and Kentucky. He would not detain the House to read it; but any gentleman might do so who chose, and he would see what was the situation of that State in respect to the administration of justice, under the laws of the United States.

Let us, then, said Mr. B. inquire what are the evils which arise, under the present system, from the delay of justice.

The Constitution of the United States has limited the powers of the Federal Judiciary: that instrument has declared that the Courts of the United States shall have jurisdiction of causes arising between citizens of different States. The act of Congress has further limited this power, and declares that the Federal Courts shall have no jurisdiction in any such case, unless the defendant live within the bounds of the State in which suit is brought. And for what purpose have the constitution and the law given this authority to Courts of the United States? That a citizen of one State *might* enjoy the same privileges as the citizens of any other States. The framers of the Constitution foresaw, that, from local causes, jealousies might spring up in the different States against the demands or the titles of foreigners and citizens of other States. Whilst, therefore, they left the citizens of the same State to settle their controversies before their own Courts, they have wisely provided tribunals, to be called into existence by the authority of the Federal Government, to settle those existing between foreigners and citizens. Under the system now in operation, the citizens of the State in which the suit is instituted, are, in almost every instance, the defendants.

Who are then particularly interested in a reformation or correction of the defects in the Judiciary System? Is it the citizens of the Western or Southwestern States? Are they to derive particular advantages from the prompt determination of causes in these Courts? Certainly not: because no man can, unless in a few cases, institute a suit in the Federal Judiciary of any Western State, unless he be a citizen of some other State, or an alien. For whose benefit, then, would the proposed change in the system principally operate? Would it not be for the benefit of the citizens of other States than those in which the administration of justice, under the laws of the United States, is now defective? They, and they chiefly, would avail themselves of the advantages which a reform of the system would afford to suitors: and, of course, said Mr. B. by omitting to establish a Federal Judiciary competent to execute the laws of the United States in the Western States, you do not so much injure those States, as you deprive the citizens of other States of their legitimate remedy. Then, sir, this mighty bugbear which the gentleman has raised up to your view, when tested by the principles of reason, vanishes into thin air.

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What was now the situation of a man bringing a suit in the Circuit Court for the District of Kentucky? Suppose a suit to be brought in that Court by a merchant of Philadelphia against a citizen of Kentucky. The greatest temptation was held out to the defendant, to set up an unjust and a fraudulent defence; because, from the situation of business in that Court, the case could not, perhaps for years, be brought to trial. So that the benefits to arise from the proposed amendment of the judiciary system, would go chiefly to citizens of other States than those in which the change in the system would take effect.

So much, Mr. B. said, for the wants of Tennessee, Ohio, and Kentucky. How was it with regard to other portions of the Union? What was the situation of Louisiana, including New Orleans, the emporium of the West? The commercial intercourse of that City with the rest of the Union and with foreign nations gives rise to causes of great variety and importance. In that portion of the country, there is but a District Judge, with no Judge of the Supreme Court to assist and enlighten his judgment, or to bring to the Supreme Court the requisite knowledge of the laws and practice of the Courts of that State. There was a peculiar reason, imperatively requiring that there should be a Supreme Court Judge to hold a Circuit Court in that part of the country; which was, that the civil law regulates the proceedings in the Courts of that State—a law, different in its origin and principles from the common law, which prevails throughout the other States of the Union. Mr. B. considered it beyond all controversy settled, from these facts, that there was an absolute necessity for the adoption of some legislative measure to remedy the evils growing out of the defective system now established.

I now come, said Mr. B. to what I believe to be the great point of the speech of the gentleman from Virginia—one which demands, and certainly will receive, the deliberate attention of the members of this Committee. He is apprehensive that, by means of this bill, the Supreme Court is to become a political tribunal, for the purpose of propagating opinions now peculiar to the West, and of overruling determinations already made by the Supreme Court, and of changing the system of constitutional law as it has been established by that Court. If, sir, I could believe, for a moment, that such is the intention, or would be the consequence, of this measure, I would be one of the last men in the United States to support it. If I were to believe that that firm and beautiful fabric, which the Supreme Court has already

erected, would be seized by rude hands, and prostrated in consequence of the passage of this bill, I would myself, at once, enter my solemn protest against it. But I think the committee will perceive that the apprehensions of the gentleman were the visionary phantoms of his own imagination, having no existence in reality. If such were the intention or expectation of the People of the Western States, in seeking this amendment of the system, it had eluded the vigilance of the Committee on the Judiciary. That Committee had never dreamt of such a project. Sir, said Mr. B. I consider the integrity and independence of the Judiciary as the Palladium of our political system, and that, if we should ever be deprived of it, either by fraud or by force, it would be a vital stab to our political institutions. Therefore, Mr. B. said, if he did not make it as plain as light that the gentleman's apprehensions on this score were ideal and visionary, he would not for a moment ask the favor of the committee for this bill.

Suppose, for the sake of argument, what no one could believe, that it was the intention of all the West to overturn the settled decisions of the Supreme Court, and that three additional Judges were to be brought upon the Bench, in pursuance of that determination. There are now seven Judges on the Bench of that Court. Does the gentleman seriously believe, said Mr. B. that the three Judges to be appointed will be able to overcome the firmness, the inflexibility, and the learning, of the other seven? He must first shew that the new Judges would have the disposition, and then that they would have the power, to rejudge the cases determined by the Supreme Court, before he can establish his argument of danger from that quarter. The danger does not exist in fact: the shadow is conjured up merely to deter the House from passing a bill, the expediency of which is unquestionable.

But the gentleman had also introduced into the discussion of this bill, what was wholly irrelevant matter. He had connected with it the subject introduced by a gentleman from Kentucky, requiring a certain number of the Judges of the Court to unite in deciding particular cases, on which proposition, whenever it came before the House, Mr. B. said he would go heart and hand with the gentleman from Virginia. He should be opposed to any measure which might be suggested in the form or to the effect of that which had been proposed. One ounce of experience, Mr. B. said, was worth a pound of theory. The institutions under which we have flourished—under which we have grown from infancy to manhood, ought never to be lightly forsaken or

abandoned. The perfection of our system is, that, whilst one State may fume and rage against the General Government, or establish wild positions within its own particular government, the other States are cool and at rest. This had been the case within the State which he himself had the honor in part to represent. The States on every side of her looked on without participating in her feelings. The People of Pennsylvania did not long war against the Federal Judiciary. They were soon restored to tranquillity, and now were in harmony with the General Government. Another State was now in a similar position to that which Pennsylvania had once occupied; and he trusted that the cloud which now hangs over her would soon dissipate, and that she would come out brighter than ever, and that, in proportion to the severity of her present experience, would be the progress of her future prosperity. Mr. B. said, that he was never for disturbing the institutions of the country, or its settled policy, to gratify the feelings, however manly they might be, of the People of any particular part of the Union. He would let them go on, perfectly satisfied himself that, however wrong or excited for a time, they might be, the People of every part of this country will always come right in the end. No new fangled project, such as that which the gentleman from Virginia had combatted, should ever have his sanction, so long as he had a seat on this floor. But what connection had it with the propositions contained in this bill? None at all. No such principle was to be found in the bill; and, unless it was, the bill ought not to be opposed on account of what it did not contain.

But the gentleman had proceeded upon the principle that the three new Judges, to be appointed on the passage of this bill, would entertain peculiar notions of the Constitution, the effect of which he seemed to deprecate. Is there, said Mr. B. any danger of this kind? The President of the United States may, if he thinks proper, select these Judges from any portion of the Union, other than the Western. But what is the probability? There are able men scattered over all the Western States, abundantly capable of doing honor to the bench of the Supreme Court. How, then, will the selections of new Judges be probably made? Partly from one portion of the country, and partly from the other, within which the new Courts will be established. Kentucky, whom the gentleman appears so much to dread, has already her Judge. She is a part of the Seventh Circuit, and will continue to have, for her portion, the firm, enlightened, and independent Judge, who has,

for several years, been arranged to that circuit. Even if Kentucky, therefore, had the inclination, which Mr. B. said he did not believe, of prostrating the decisions of the Supreme Court, she would not have it in her power. When did Tennessee, Ohio, Indiana, Illinois, or Missouri, set up any peculiar constitutional notions? or Louisiana? Whoever heard of Alabama, of Mississippi, contending with the Courts of the United States for occupying claimant or replevin laws? The presumption, therefore, was, that the three new Judges, to be selected from those Western States, would not be infected, as the gentleman supposed, with strange doctrines, but would move on as harmoniously and independently as the members who, at present, compose the Supreme Court. Kentucky, at least, of whom the gentleman from Virginia had so many fears, was supplied with a Judge, whose judicial life had been opposed to her peculiar notions. The probability was, that, in the selection of the new Judges, not a single one would be taken, possessing the same opinions and notions which the gentleman had attributed to the State of Kentucky. He asked, then, where was the danger that, after the passage of this bill, the Supreme Court would become a political tribunal? I do not pretend, said Mr. B. to have more confidence than I ought to have in this or any other administration. I am not disposed to bestow on the Executive of the country more confidence than the institutions of the country requires; but I have not the least apprehension that this Executive, or any other, would be so far forgetful of his duty, as to throw a firebrand into the Supreme Court, and create a faction there. He was of opinion, upon the whole, that the gentleman had entirely failed in the attempt to show there was the least danger that the Supreme Court, organized as proposed by this bill, would become a political Court.

Another objection which the gentleman from Virginia made —and, Mr. B. said, he must compliment his speech by saying, that he really appeared to have introduced into it every thing which could be an objection to this bill—was, that Courts of Appeal, in all the States except one, consist of a number of Judges not exceeding five; and, from this practice, he had drawn an argument, that nine or ten Judges would be too many to compose the Supreme Court of the United States. In the first place, Mr. B. said, he denied the fact; and, in the next place, admitting the fact, he denied that there was any weight in the argument. The Judges of the Supreme Court of the States, are selected from the mass of the Bar of each State: They are generally men who

have grown grey in practice, and who have been all their lives accustomed to the peculiar laws of that State. They come upon the Bench, bringing with them all the knowledge necessary to cast judicial light on the subjects they may have to touch.

How are the Judges of the United States chosen? They are selected from an extent of country embracing four and twenty distinct and independent systems of law. The common law, to be sure, is the root of nearly all of them; but, for a long period of years, each State has gradually been establishing a local policy and a local system of laws, peculiarly adapted to its situation and the habits and morals of its People. Does it follow, then, because five Judges are a sufficient number to constitute the Supreme Court of any one State of the Union, that a Supreme Court for the whole Union, embracing these twenty-four distinct systems of laws, can be properly constituted of five Judges? If five Judges are not too many for a Supreme Court of a State, it is a convincing argument that nine or ten are not more than sufficient for the Supreme Court of the Union.

Another consideration ought also to be taken into view. The systems of law of many of the different States, are radically variant; and a man who had practiced all his life in Maine, going to Louisiana, would find himself wholly unacquainted with the practice in that State. So far from strengthening his case, Mr. B. therefore thought that this argument of the gentleman from Virginia was wholly against him.

But, Mr. B. further said, he denied the facts assumed by the gentleman, both as to England and to this country. Is not the Supreme Court of New York composed of the Senate of the State?

(Mr. Mercer explained. He meant a court composed of judges, not of Senators. He knew, also, that the House of Lords was the appellate court in England.)

Mr. Buchanan thanked him for the hint. He said, the House of Peers in England is an appellate Court nominally, and only nominally. Whenever a writ of error of the least consequence is before them, the twelve judges are summoned to give their attendance; and the twelve judges are thus, in England, in fact, the Court of Appeals. In my recollection, there never has been a case in England, in which the House of Lords has decided in opposition to the opinion of the judges.

In England, there is also the Court of Exchequer Chambers, consisting of the twelve judges, and nothing is more common

in that country than, when the judges find a case before them is difficult, to adjourn it to the Exchequer Chamber previous to its being decided from the bench. So that, in England, the Court of Errors, in the last resort, consists, virtually, of twelve judges. One thing, Mr. B. was willing to admit, that, if the Supreme Court were not to be composed of Circuit Court Judges, the number often would be too great. The perfection of a judicial system is this: that each judge shall, in the discharge of his duties, feel the weight of personal responsibility resting upon his shoulders. He agreed that, in a crowded court, men who want talents or application are in danger of becoming mere aye and no men, voting with the minority or majority; and there would be the additional danger, in that case, that the Executive, from personal preference, might place on the bench men of subordinate qualifications, supposing that they might be lost sight of among the number. The great advantage of our system and of the English system is, that the Judges of their Superior Courts and of ours are compelled to try causes on the Circuit. The judiciary of England, like ours, stands thus on high ground. In cases of civil rights, there is no country in the world in which they are better protected than in England.

Nor was the gentleman correct in the distinction which he had drawn between the Nisi Prius Courts of England and the Circuit Courts of the United States—in drawing which he had mistaken what had fallen on that point from the Chairman of the Judiciary Committee. Most of the important cases decided by the Superior Courts in England, Mr. B. said, are first decided in the Courts of Nisi Prius, where the principle of law is first argued. He believed this, from knowing a large portion of the most valuable reports of the cases published in England are of proceedings at Nisi Prius—precisely as in the Circuit Courts of the United States. The most striking difference is one more of form than of substance. The Circuit Courts under our system render a final judgment, but in England this is rendered by the Court in Bank, from which the Judge of Nisi Prius proceeds.

Each Judge of the Supreme Court of the United States has highly responsible and important duties to perform throughout his circuit. The eyes of the world are upon him, in a court in which he must, from his station, act the principal part. He is closely scanned by the members of the Profession, who, of all men, are best calculated to decide upon the abilities of a Judge. The standard by which they decide upon his merits, is of the

highest character; because it is expected, from his elevated station, that he shall possess great talents and unbending integrity, and a perfect knowledge of the laws of his country. This situation, and the duties attendant upon it, is an ample security both against the appointment of incompetent judges—and against indolent habits after they are appointed, which might otherwise result from the number of members of the Court.

Let us now, Mr. Chairman, said Mr. Buchanan, take a view of the comparative merits of the two systems proposed for our adoption. The system proposed by the gentleman from Virginia, will call into existence ten new judges, and will place them on the benches of the Circuit Courts, to perform the same duties which are now devolved upon the judges of the Supreme Court. It contemplates that the judges of the Court shall continue as they are for the present; but shall be eventually reduced to the number of five, and their jurisdiction be exclusively appellate.

Why, sir, should this important change be made, when it is manifest that the addition of two or three judges to the Supreme Court will be abundantly sufficient to supply the judicial wants of the country? No complaints have ever reached my ear that justice has been improperly delayed in the Circuits East of the Alleghany mountains. On the contrary, we have the best reason for believing, that the Courts answer every purpose intended by the Constitution and the laws. Indeed some of the circuits might be enlarged if it were necessary. For example, the fourth circuit consists of the States of Maryland and Delaware only, and the Judge resides within a very short distance of the Capitol. Why, then, should a system be adopted, neither called for by the wants nor the wishes of the People of the Eastern portion of the Union, merely because the present system is inadequate to do justice to the People of the West? Sir, said Mr. B. if it were necessary for the prompt and efficient administration of justice to incur the expense of supporting ten new Judges, I would not hesitate one moment in voting for the proposition; but, when there is not the least occasion for such a measure, its adoption would be a most unjustifiable squandering of the public treasure. It would be creating sinecures in the six Eastern circuits, and would leave both the Judges of the Supreme Court and the Circuit Judges without sufficient employment. This would be directly contrary both to the institutions and the habits of this country.

The gentleman from Virginia has argued that some of the present Judges of the Supreme Court are now becoming old; that

they will soon not be able to endure the fatigue of riding their circuits, and that they will thus be compelled to resign. Mr. B. said, there was no man in the country who felt more respect, nay, more veneration for the Judges of that Court, than he did himself. He trusted, therefore, no person within the sound of his voice, would for one moment suppose, that the declaration he was about to make had been dictated by any want of a proper regard for the Judges who composed that tribunal. He was, however, firmly of the opinion, that the result which had been so much dreaded by the gentleman, was a strong argument in favor of the existing system.

It is a general law of nature, that, when age prostrates the vigor of the body, the mind loses its power and its energy in the same proportion. As a general rule, the Judge who becomes physically incapable of travelling over his circuit, will not be competent to discharge the high intellectual duties imposed upon him by his station. There are, without doubt, many exceptions to this rule; but Legislatures, in framing a general system for the benefit of society, must be governed by the rule and not by the exception. If the tendency of this system, then, shall be, to drive Judges from the Bench, who have ceased to be able to perform their duties to the country, it will be a fortunate result.

Mr. B. said, he had always been of opinion there was much wisdom in that constitutional provision of the State of New York, which prevented Judges from holding their seats after a certain age. It is probable it extends too far; but if, occasionally, it should deprive the People of the services of men who would still be useful, in many more instances it will preserve the country from suffering all the evils which flow from the administration of justice by an incompetent and a superannuated Judge.

The gentleman from Virginia, in reply to the argument of the Chairman of the Committee on the Judiciary, has stated that he admitted it might become necessary, in twenty years, to establish a Circuit Court system, independent of the Judges of the Supreme Court; and, from this admission, has deduced an argument that it is proper to establish it at present. Sir, said Mr. B. I cannot feel the force, though I may acknowledge the ingenuity of this mode of reasoning. A statesman, looking forward to the future destinies of his country, and anticipating the time when its population may be doubled; when its foreign and domestic commerce may be vastly extended; and when a greatly increased intercourse among the People of the different States

shall give birth to many new subjects of litigation, predicts that it may then become necessary to establish the judicial system recommended by the gentleman from Virginia; that gentleman takes advantage of this declaration, and asks, because it may become necessary *then,* that we shall establish it *now.* This is not the manner in which our predecessors have acted. They provided for the wants of the People as they arose. The gentleman from Virginia, however, would wish us to reverse the rule, and provide now for a state of things which may not exist for half a century.

In my own opinion, said Mr. B., the time will come when the Judges of the Supreme Court shall not be able to perform both their appellate and Circuit Court duties: necessity will then compel their separation. The day, however, I trust, is far distant. I am willing to delay that event as long as possible—not to anticipate its arrival. Let posterity provide for themselves.

[When Mr. B. had proceeded this far in his observations, the hour being late, Mr. Webster asking Mr. B. to give way for the purpose, moved that the Committee rise for to-day.]

The Committee rose, reported progress, and obtained leave to sit again; and

The House adjourned.

[Jan. 10.] Mr. Buchanan again took the floor. Before he resumed the train of observations interrupted by the adjournment of yesterday, he said it would be necessary for him to advert to a few palpable and prominent mistakes in points of fact, which had been made by the gentleman from Virginia, (Mr. Mercer,) in his speech on this subject. He was not aware that they existed to the extent in which they do, until he had an opportunity, last evening, of reading the printed report of his speech. It was necessary to advert particularly to them, lest certain facts, being taken for granted, arguments might have weight which were founded on them.

In the first place then, said Mr. B., the gentleman from Virginia laid the foundation of one of his arguments, on this fact: that, in East Tennessee, there is no Circuit Court established by law. This is not the case, sir. There *is* a Circuit Court established by law in East Tennessee, though certainly the present organization of the Judiciary renders that Court unable to do justice to its suitors.

[Mr. Mercer said, in explanation, that, for every purpose of his argument, the fact which he had stated was not affected by the gentleman's correction. He had been informed, by a gentle-

man whom he supposed to be familiar with the fact, that the court of East Tennessee was a District Court. He had so understood on further inquiry, at the Clerk's office. Having understood, moreover, that the Judge of that circuit had never attended that Court, he had not thought it necessary to examine the law on that subject, but took for granted the correctness of what he had heard. Having, however, furnished many other cases of District Courts on both sides of the Alleghany, to support his argument, he did not know, that the mistake, into which he had been led, was at all material to the argument.]

Mr. Buchanan resumed.

The explanation of the gentleman, (said Mr. B.,) does not militate against what I had to say on this point. The fact is, that there is a Circuit Court established by law, in East Tennessee. He did not now state it as an argument, but as a matter of fact, in regard to which the gentleman was in error.

Another mistake made by him, was in supposing that there could be any appeal to the Supreme Court from the Northern District of the State of New York. The law gives no such appeal. An appeal lies from the District Court to the Circuit Court of the State, and any appeal to the Supreme Court, in cases arising within that District, must, therefore, come from the Circuit Court.

The gentleman, again, had stated that the reason of the great increase of business in the Circuit Court of the United States, for the Kentucky District, was, that the residents of that State were in the habit of making nominal assignments of demands, and of lands, in that State, to citizens of other States, in order to bring the cases within the jurisdiction of the Federal Court, which swelled the amount of causes in that Court. It was impossible, Mr. B. said, that this fact could exist. The judicial power of the Federal Government, in this branch of it, extends only to cases arising between citizens of different States, or between citizens and aliens: and, if the law allowed of a nominal transfer of title by a citizen of Kentucky, to a citizen of Pennsylvania, for the mere purpose of bringing his case into the Circuit Court, all the barriers established by the Constitution, to separate the Federal Judiciary from that of the States, were at once broken down and prostrated. On the contrary, the Federal Courts had always decided, that a transfer for this purpose, gave to those Courts no jurisdiction whatever. The argument of the gentleman, therefore, founded on a mistake as to fact, could not have any operation on the minds of the Committee.

In another part of his printed speech, the gentleman from Virginia had declared that there was *the same* opportunity for an appeal to the Supreme Court from a District Court, having circuit powers, that there was from a Circuit Court. In this, also, said Mr. B., the gentleman has mistaken the fact. In cases where a Judge of the Supreme Court sits with a District Judge, and there is a division of opinion between the Judges on the bench, whether the matter in controversy be great or small, whether it be in a civil or criminal case, an appeal lies from that Court to the Supreme Court of the United States. But such an appeal does not, nor cannot lie from the District Court, because no such case can exist. The decision of the District Court, having Circuit Court powers, is final, in all cases in which the sum in controversy does not exceed two thousand dollars; and that is one of the reasons, and the principal reason, why there are so few appeals from several of these District Courts.

In another part of his printed speech, the gentleman from Virginia had asked this question: Whoever heard of expediting the decisions of a body of men by increasing the number of those who were to make the decision? I answer, nobody. I know of no such argument, said Mr. B. as that to which this question applies. If such an argument were attributed to the gentleman from Massachusetts, to whom the gentleman from Virginia was replying, that gentleman certainly never made it. The object of the Committee on the Judiciary, in reporting this bill, was not to prevent delay in the business of the Supreme Court. On the contrary, a different bill had been reported with that view, the purpose of which was to make the terms of the Supreme Court longer. This bill was not reported to expedite the business of the Court of Errors, but its principal object is to carry justice into those parts of the country in which it is not now duly administered.

There was a tone running through this printed speech, Mr. B. said, which he was sorry to see, and which he did not expect from the gentleman from Virginia. If it did not contain attacks on the motives of the committee in reporting this bill, he could not comprehend the meaning of the language employed. Mr. B. here quoted the passages of the speech, in the following words: " The object of the bill is *not* to expedite justice," &c. &c. " The alteration of this court is then required for political purposes, and no other," &c. &c.

Is this, said Mr. B. such language as is due from the gentleman to the Judiciary Committee? Does he suppose, for a

single moment, or if he do, does any other gentleman suppose, that the Judiciary Committee, in reporting this bill, was governed by the low and grovelling motive of a desire to turn the Supreme Court into a political instrument?

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Mr. Buchanan resumed. As he wished to finish his remarks as soon as possible, he said he should not again yield the floor for the purpose of explanation. When he did so just now, he did expect the purpose of the gentleman was to make an explanation and not an argument. And now, after all he had said, he felt at a loss to determine whether the gentleman meant to deny or not the imputation cast by his reported speech, upon the committee. Understanding him, however, to disclaim any impeachment of the motives of the committee, Mr. B. said he would not trouble himself any further with that part of the case.

Having thus, said Mr. B., done justice to the committee, and to myself as one of that committee, and having pointed out some of the matters in which the gentleman from Virginia was entirely mistaken, omitting to notice others, the noticing of which might be considered an useless consumption of time, I proceed to make a few other remarks, which it is necessary for me to offer on this important subject.

Mr. Buchanan said that he would conclude his remarks, by presenting two additional views of the subject. What will be the probable effect of the system proposed by the gentleman from Virginia, (Mr. Mercer) upon the Judges themselves of the Supreme Court? and what will be the effect upon the authority and weight of their decisions in the estimation of the People? Sir, said Mr. B., there are but few men in existence who would voluntarily, and as a matter of choice, devote themselves to the attainment of that minute knowledge of the common law, which it is indispensable that a judge should possess. Other sciences may have their votaries, who will worship at their shrine for their own sake. I am inclined to believe this is not often the case as it regards the common law. Nothing but a continually operating sense of official or professional duty, can urge men to travel through its dry and intricate mazes.

When, sir, we proceed one step further, it will be admitted that the nature of that man's taste must be most extraordinary who could relish the study of the twenty-four distinct codes of municipal regulations which prevail in the twenty-four States of

the Union, and patiently travel over the hundred volumes in which they are contained. And yet it is necessary that a Judge of the Supreme Court should possess this species of knowledge. Establish the Circuit Court system, and how will he acquire it? Would the literary leisure which he will enjoy—would any considerable portion of the ten months in each year during which he may be without employment, be devoted to the task of travelling over this barren waste? I think I may boldly answer, No. His time could be so much more agreeably, and, if he were not a judge, so much more usefully employed, that he would naturally neglect this kind of knowledge. If he even were to devote a portion of time to its acquisition, it would answer the purpose but in an imperfect degree. The truth is, such knowledge cannot be obtained, and, after it has been acquired, it cannot be preserved, except by constant practice. There are subjects which, when the memory has once embraced, it retains forever. It has no such attachments for acts of Assembly and acts of Congress, or for their expositions. This species of knowledge, under the present system, will always be possessed by the Judges of the Supreme Court; because, in the performance of their circuit duties, they are placed in a situation in which it is daily expounded to them, and in which they are daily compelled to decide questions arising upon it. Change this system, make them exclusively judges of an appellate court, and impose no other duty upon them except that of delivering a few opinions in bank each year, and you render it highly probable that their knowledge of the common law will become gradually more and more faint, and that they will altogether lose the recollection of the peculiar local laws of the different States. It is the constant Circuit Court employment imposed upon the judges of England and the United States, which has rendered them what they are.

What effect would the proposed change produce upon the authority and moral influence of the decisions of the Supreme Court, in the minds of the People? It is of the utmost importance that they should hold the judgments of that tribunal in the highest veneration. Next to doing justice, it is important to satisfy the People that justice has been done. This confidence on their part, in the Judiciary of their country, produces that contentment and tranquillity which is the best security against sudden and dangerous political excitements. The Judges of the Supreme Court now enjoy this confidence in an eminent degree. But, sir, change the constitution of the Court, remove the Judges from the public eye,

place them here in the City of Washington, and let them compose an appellate tribunal only, and what will be the consequence when this tribunal shall be brought into collision with State laws and excited State authorities? Is there not great danger that it will become odious? The Circuit Judges which you would appoint, will naturally occupy the same place in public opinion now held by the Judges of the Supreme Court.

When this distant tribunal shall find it necessary to overrule their decisions, in cases of deep public interest, that circumstance will necessarily create additional prejudice in the minds both of the Circuit Judges and the People, and thus increase the mass of discontent. It is, therefore, of the utmost importance that your Judges of the Supreme Court shall travel over circuits, that they shall personally show themselves to the country in the able and honest discharge of their high duties, and that they shall thus acquire that public confidence which never fails to follow exalted worth when it is brought home to the personal observation of the community. The Supreme Court, amidst the storms of faction and of opposition, have hitherto pursued a steady and independent course. They have now acquired a most extensive popularity throughout the country; and, even in those States in which their decisions have been most violently opposed, the highest respect has been felt for the Judges by whom they were pronounced—because they have had an opportunity of knowing personally that they were both great and good men. No suspicion has ever arisen against their personal or judicial integrity. Would the Supreme Court have enjoyed the same good fortune, if the judges had been entirely secluded from public observation, and been confined, in the discharge of their important duties, to a room in this Capitol?

The gentleman from Virginia has made the language of the gentleman from Massachusetts, on this branch of the subject, to mean that which he never intended, and which a fair construction of it will not warrant; that the Judges should go to the circuit for the sake of seeking popularity, and, with this view, to ascertain what effect their decisions might have upon the People. It was his opinion, and one which he thought could not be shaken, that they should perform circuit duties, that thus the People might see and know and respect them, and they might observe the effect of their decisions on society. That they might know, as men of experience, what was their operation on the community. Of all human creatures, a popular-hunting

judge is the most contemptible. His object is generally defeated, because the good sense of the People almost always leads them eventually to discover what is his true character.

The gentleman from Virginia has again and again attempted to excite our fears by declaring that, if the system proposed by the committee were adopted, the Supreme Court was in danger of being converted into a political tribunal. Is there not much greater danger, if the other side of the question should prevail? Would a court, composed of ten judges, scattered over the surface of this vast country, be more liable to the influence of political intrigue, than five judges residing in the City of Washington? Is this atmosphere so pure that there would be no danger from such a residence? A large portion of the People of this country hold a different opinion. They think this atmosphere is more tainted than that of any other portion of the country. If the Supreme Court should ever become a political tribunal, it will not be until the Judges shall be settled in Washington, far removed from the People, and within the immediate influence of the power and patronage of the Executive.

Mr. B. thanked the committee sincerely for their attention. He said the subject was dry and uninteresting in its nature, and it therefore must have required the exercise of much patience, on their part, to follow him, as they had done, through the remarks which he had submitted to them.

REMARKS, JANUARY 27, 1826,

ON THE APPROPRIATIONS FOR FORTIFICATIONS.[1]

Mr. Buchanan said he should vote in favor of the postponement, for reasons entirely different from those which had been urged by any other gentleman. He would, therefore, take leave to state them to the House. Before he did this, however, he felt himself bound to notice the remarks which had been made by the gentleman from New York, (Mr. Storrs,) upon the observations which had been made by his colleague, (Mr. Stevenson.)

The gentleman from New York, (Mr. Storrs,) thinks it wonderful that my colleague should ask for more time to make himself acquainted with the subject. Sir, said Mr. B., I would

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 1, p. 1184.

ask how new members could have obtained information? Must it not have been by intuition? It was impossible that they should have procured it in any other manner. The Chairman of the Committee of Ways and Means has informed us this day that the system of fortifications, about which we have heard so much, and which we are now called upon to carry into execution, was never published, but remains filed among the private archives of this House. Did the new members know this fact? Certainly not. How then were they to obtain the information?

[Mr. M'Lane here explained, and stated, he had said that only so much of the plan as it was deemed politic to conceal was among the private papers of the House.]

Mr. B. said, that he had understood the gentleman perfectly. That part of the plan which was all important; which it was deemed necessary to conceal from foreign nations, lest they might take advantage of the information which it imparted, had not only not been exhibited to the new members, but they had not, before this day, been informed of its existence. This was the case as it regarded himself, as well as most of the old members of the House. Sir, said Mr. B., has the gentleman from New York, himself (Mr. Storrs) read all the reports which have been presented to this House at different periods upon the subject of fortifications? Is he well acquainted with their whole contents? I will venture to hazard the assertion, much respect as I feel for his talents and his industry, that I can propound to him twenty questions of importance, having immediate relation to the fortifications provided for by this bill, not one of which he can answer.

Sir, said Mr. B., it is not necessary, judging from the principles advanced by that gentleman, that he should be acquainted with the subject, concerning which he has been called upon to act. He has introduced a new and dangerous doctrine into this discussion, which I trust and hope never will prevail. Confidence in an Executive Department was, with him, to take the place of knowledge. And why? Because, forsooth, we are not Engineers; and, therefore, we are incapable of judging. The will of the Engineer Department is thus to become the law of this House. The principles which the gentleman has advocated carry him to this fearful extremity.

[Mr. Storrs explained. He said, that he hoped the gentleman from Pennsylvania would only answer what he had said: that he had urged that the House ought not to take on itself the

responsibility of details which belonged to the other Departments: that he, for one, would not consent thus to invert the responsibility of the Government. As to his own knowledge on the subject of location of the forts, and the science of Engineering, Mr. S. said, that he had no doubt, and willingly confessed, that the gentleman could, indeed, put to him a catechism which he could not answer; and he might, perhaps, justly add, that the whole House, including the gentleman from Pennsylvania, would be apt to answer it about as correctly as he himself could.]

Mr. B. thanked the gentleman for the compliment to himself. He did not know whether it was sincere or not. He would, however, follow the French maxim, and when expressions were susceptible of two constructions, he would take them in the most favorable sense. Now for the argument. Sir, said Mr. B., the gentleman in his explanation has, in substance, repeated the doctrine I imputed to him. I will state to the House what my opinion is upon the subject, and it is very different, indeed, from that advanced by the gentleman. We should repose a proper degree of confidence in the reports made to this House by the Executive Departments, whilst we believe them to be worthy of confidence. It is our duty, however, to examine and to consider their representations; to rejudge their judgment; and to decide upon their recommendations, justly and impartially. We must, in every matter of legislation, act upon our own responsibility. We cannot release ourselves from it, and impose it upon the Department, as the gentleman has contended. I think, therefore, that my colleague has given no just occasion for the remarks which the gentleman had thought proper to make.

Mr. B. said, he felt friendly to the erection of fortifications. He was not willing that we should retrace our steps; but thought we should proceed cautiously and wisely, having a proper regard to what our means would justify. In his opinion, his colleague (Mr. Stevenson) had erred in comparing the fortifications proposed to be erected in this country, with those in the interior of Europe. It was true, that, in the annals of modern warfare, these fortifications had been left behind and disregarded; and Generals had penetrated into the countries whose frontiers had been fortified, without fear and without danger. This argument, however, did not apply to our fortifications. They are intended to be placed upon our coasts, our bays, and at the mouths of our large rivers, to afford protection to our great

commercial Cities against Naval attacks. Indeed, they may become important for the defence of our own Navy.

Notwithstanding, said Mr. B., that I shall vote for carrying into effect a judicious system of fortifications, yet I think there is the strongest reason for granting the delay which has been asked. In 1822, Congress had this subject before them. The Department then asked for five hundred thousand dollars. The House got all the information they could obtain: they discussed the question fully, and decided that three hundred and seventy thousand dollars was sufficient. They granted this sum; and, for the first time, designated the particular objects to which it should be applied. They did not then act upon the doctrine of confidence which has been recently avowed; but reduced the estimate of the Department. In 1823, five hundred thousand dollars was granted, and I approved of the measure. I considered this sum was then established as the annual appropriation, in analogy to the appropriation granted for the gradual increase of the Navy. Since that time, however, the appropriations for fortifications have increased in such rapid progression, that we are now asked for the sum of seven hundred and ninety-five thousand dollars for the present year. In addition to this sum, there remained in the Treasury, on the first day of the present year, more than one hundred and fifty thousand dollars of the appropriations for the last year which had not been expended. If you pass this bill, therefore, you will grant nearly a million of money to be applied to the erection of fortifications during the year 1826. In the short time which has elapsed since 1822, you will have nearly trebled your annual appropriation. I should not now object to five hundred thousand dollars; but, before I can vote for a greater sum, I wish to know precisely the means of the Treasury for the present year, and compare them with the necessary objects of expenditure. We have been told, said Mr. B., by the Chairman of the Committee of Ways and Means, that there will be sufficient money in the Treasury, gradually to pay our debt, between this time and the end of the year 1829; and, in the mean time, the sum asked for by the present bill, may be applied to fortifications, and all the other proper expenditures of the country may be made.

[Mr. McLane here observed, that he had not stated the whole national debt would be paid in 1829: it was the six per cent. debt—the war debt, to which he had referred.]

Mr. Buchanan said, he did not misunderstand the gentle-

man from Delaware. He understood him to mean the six per cent. war debt, and would have so expressed it, if the gentleman had permitted him to proceed. The gentleman had also declared that, within that period of time, a large portion of the debt due to the Bank of the United States might be liquidated. Sir, said Mr. B., on this subject I doubt exceedingly. Much respect as I feel for the opinion of the Committee of Ways and Means, and for that of their Chairman, I must still be permitted to doubt, until I see and examine their report. We have been told, that report will soon be made to the House. We shall then be able to decide what proportion of the public money we can, with propriety, apply to fortifications—and what to other objects. We should not take so much for one important object, as will prevent us from making any appropriations to objects of equal importance. The sum which we think it prudent to withdraw from the payment of our debt, should be fairly distributed; so as to give a part to all the great objects of national interest.

Mr. B. concluded by saying, it was probable we should gain time by the delay of one week; and that the bill might, in that event, be passed as soon, as if it were now urged upon the consideration of the House.

REMARKS, JANUARY 30, 1826,

ON THE APPROPRIATIONS FOR FORTIFICATIONS.[1]

Mr. Buchanan said, he was very glad the gentleman had asked him the question, for he did not like to interrupt gentlemen, when speaking, in order to explain. But he thought the gentleman had not done him justice entirely, in that and some other particulars. I do not mean, said Mr. B. to be drawn in as an enemy to fortifications. I never have been, and never will be, opposed to the system. My object, on Friday last, was to procure a postponement of the bill, and not to defeat it. Mr. B. made some observations explanatory of the alleged unexpended balance, and then said, that, with regard to a comparison between the Navy and fortifications, he had uttered but one sentiment; which was, that, in 1823, the appropriation for fortifications had been fixed at five hundred thousand dollars, in

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 1, p. 1204.

analogy to the annual appropriation of like amount, for the increase of the Navy; and that he was not willing to go further now, until he had seen the report of the Committee of Ways and Means. He had not said that he would not go farther—he did not say so yet. Mr. B. concluded by thanking the gentleman for the compliment he had paid him, and could sincerely say to the gentleman, in the words of a celebrated author, "*Laus est a te laudari.*"

REMARKS, FEBRUARY 20, 1826,

ON A PROPOSED AMENDMENT TO THE CONSTITUTION.[1]

Mr. Buchanan offered the following:

Resolved, That the Constitution should be so amended, as to re-establish the third clause of the first section of the second article of the original Constitution; except that portion thereof which confers the power of electing the President upon the House of Representatives.

Resolved, That the Constitution should be so amended, that, in case no election shall be made by the Electors, then the States shall choose the President, from the two highest upon the list, in such manner as the Legislatures thereof may direct; each State having one vote.

Mr. Buchanan said, it was far from his intention to enter into any detailed explanation, at this time, of the amendment which he had proposed. For the purpose, however, of directing the attention of the House to them, he would merely observe, that the object of the first resolution was, to restore the *original* provision of the Constitution, in regard to the election of President and Vice-President, to the time when that election would devolve upon the House of Representatives.

The second resolution proposes, that, in that event, the sovereign States of this Union shall choose the President from the two highest on the list. When no election is made by the Electors, it simply confers upon the States themselves the power which is now exercised by their Representatives. It proposes that, in making the choice, the States, and not their Representatives in this House, shall each give one vote, in the manner which their respective Legislatures may prescribe.

Mr. B. said, he did not propose the last amendment because

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[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 1, p. 1417. The proposed amendment is also printed in House Report 19, 19 Cong. 1 Sess.

he thought it the best possible method of taking the election from the House of Representatives; but because, after much reflection, he believed it was the only one practicable. That consummation was devoutly to be wished by all, and by none more than the Representatives themselves; and he felt persuaded that no amendment for that purpose will ever prevail, which does not leave the balance of power among the States, as it at present exists.

Mr. B. said he did not intend to interfere with the debate now progressing. In case the House should appoint a Select Committee, he wished merely that these propositions may be placed in such a situation that they may be referred to that committee.

TO GENERAL JACKSON.[1]

WASHINGTON 8 March 1826.

DEAR GENERAL,

It is with the most sincere & lively pleasure I inform you that the convention which met at Harrisburg on the 4th Instant, for the purpose of nominating a Governor, after they had unanimously recommended the re-election of Governor Shulze, adopted the following resolution by a vote of 98 to 7.

Resolved, That our confidence in the patriotism, talents and inflexible integrity of Gen: Andrew Jackson, is unimpaired; and that his conduct during the pendency of, and after, the late election of President of the United States is deserving the unqualified approbation of the American people.

Of the seven members who voted against this resolution, there were six, as we are informed by private letters, who declared themselves to be your friends; at the same time stating as a justification for their vote that the convention had been assembled for the purpose of nominating a Governor and for that only, and they had no instructions from their constituents to proceed farther. This was the fact:—and the only reason why you were not formally, as you have been substantially nominated as our candidate at the next Presidential election. Jonathan Roberts your old friend was the only individual of the seven who was really opposed to you.

I feel proud that my native State has thus early shewn herself to the world to be true to her principles and to be beyond

[1] Jackson MSS., Library of Congress.

the influence of Executive patronage. It had been industriously circulated here, that she was wavering and the friends of the administration had been or had pretended to be flattered into this belief. Their dreams will now vanish. The news from Harrisburg produced a strong sensation to day in the House, as it was wholly unexpected except by a few of us Pennsylvanians.

In addressing you this letter I cannot refrain from introducing the name of Molton C. Rogers late Secretary of State of Pennsylvania. He has been from the beginning a uniform, a decided, a discreet and a most efficient friend of our cause. That the cause will triumph over the Union at the next election is not only my ardent wish; *but my firm belief.* Many of the former friends of Mr. Crawford are now decidedly your friends, and the remainder are almost universally opposed to the re-election of Mr. Adams and have shewn a strong disposition to harmonize with us.

The Senate have not yet disposed of the Panama Mission. It is expected they will pass upon it finally during the present week. In my opinion from what I learn there will probably be a majority in its favor.

Mr. M'Duffies proposed amendment to the constitution so far as it relates to districting the United States will not have a large vote in the House of Representatives. I do not think it has seventy friends in that body. There will I think be a majority—though perhaps not a constitutional one, in favor of taking the election from the House, leaving the balance of power among the several states to remain in its present condition. God send that we should be successful in this important measure.

Col: Gibson requests me to give his *"undiminished love"* to you. Please to present my kindest and best respects to Mrs. Jackson and believe me to be your sincere and devoted friend.

JAMES BUCHANAN.

GENERAL ANDREW JACKSON.

REMARKS, MARCH 11, 1826,

ON THE DISMAL SWAMP CANAL.[1]

Mr. Buchanan said he had risen to make a few remarks, in reply to the arguments of the gentleman from Georgia and the

[1] Register of Debates, 19 Cong. 1 Sess. 1825-1826, II., part 1, pp. 1618-1620.

gentleman from New York. Each of the gentlemen had disclaimed the intention of entering upon the constitutional question; and yet both of them, in the course of their remarks, had touched upon it more than once.

If there be any principle of constitutional law which, at this day, should be considered as settled, it is, that Congress have the power to aid Internal Improvements, by subscribing for stock in companies incorporated by the States. That right is the only one proposed to be exercised by the present bill. Gentlemen talk about entering the territory of a State, and making improvements therein without its consent. Does this bill propose that the General Government shall enter the territory of any State? that it shall erect any toll gates? that it shall exercise any act of sovereignty? or perform any other act by which it can possibly come into collision with any State of this Union? Not at all. It is a mere proposition to take stock; and if this Government cannot do that, what can it do? Suppose, for the sake of the argument, (though he feared such a case was not very likely to happen) that there should at any time be a surplus of money in the Treasury. Must it lie idle, useless to the Government, and useless to the People? Is it a violation of the Constitution to invest it? Deplorable, indeed, is our condition, if we must stand still and gaze upon our money, and have no power to put it into circulation for purposes of public usefulness, by becoming the proprietors of stock. I am not, certain, said Mr. B., what is called a high constitutional man; but yet I could never see how the Constitution could be brought to bear, with the least plausibility, against the exercise of this power. We have, already, stock to the amount of 7,000,000 dollars in the Bank of the United States; and we have subscribed liberally to the Delaware and Chesapeake Canal.

Sir, I will ask the gentleman if he believes it is correct to bring the grievances of New York upon this floor? Is it wise—is it statesman-like to say, that, because the Government, six or seven years ago, was in a state of embarrassment, and unable to aid the New York canal, that it is therefore never to aid any work of general importance within the limits of any other State? Does that gentleman think that New York will never agree to help any of her sister States, because this Government was unable to help her? Sir, I believe better things of the State of New York. I have a high opinion of her magnanimity. I believe that she will ever be ready to stretch forth her hand to her

weaker sisters, when the object in view is of a character to promote the general prosperity. The gentleman tells us to do things like the United States. He would have us to march from the Atlantic to the Pacific: to pass, at a bound, over the Rocky Mountains, and to undertake some vast system of Internal Improvements which should be worthy of ourselves. The gentleman from Georgia also tells us that he will never agree to become a proprietor of stock in this little Dismal Swamp Canal. Let him see a splendid system, then he will go for the whole. But, Mr. Chairman, I say that, with perhaps one exception, no Government, in any part of the world, ever did enter upon a general system of improvement of any kind, and did not, in the issue, lose half its money. This Government has afforded a striking example of the truth of my remark.

I am not for waiting for any such system. The principle of self-interest is a sufficient excitement, and a sufficient guarantee, in all such undertakings. Let them be conducted by individual enterprise: and when we enter in only as stockholders with those who have risked their fortune on the success of the work they are conducting, we have the best security that it will be well executed, and that our money will not be thrown away, unless, indeed, the whole undertaking is to be one great fraud. But I trust we are not to be prevented from doing right, by any apprehension lest a New York broker should come in, and, by some stroke of legerdemain, should get the whole concern into his own hands. I hope we are not to be terrified by such spectres of the imagination. The gentleman tells us not to exercise a doubtful power in an odious manner. An odious manner, sir? Rely upon it, such interference as is involved in a subscription of stock, instead of being odious, is precisely the most popular mode in which the power of the Government can be exercised. You come in collision with no State, or State right. You aid the State and get its gratitude and good opinion. The gentleman has urged another argument, equally without foundation. He would have us to go to work like brokers: we must narrowly examine the stock, and see if it will yield six per cent.; and we are to do nothing that an individual would not do, who is governed by no motive but that of self-interest.

But, sir, so long as individuals are certain that they can get six per cent. from any stock whatever, be assured we shall never be troubled by any solicitations to subscribe. The gentleman seems to forget that Congress should have other objects,

much higher, much nobler, much wiser, in view than a six per cent. calculation. He seems to forget that an object which conduces to the public defence, is one legitimately within the scope of our legislation. We are sent here to consult the best interests of the Union, the prosperity of its foreign and domestic commerce, and its security against the attacks of an enemy. These objects, sir, we shall never effect while we are governed by the cent. per cent. notions of the gentleman from New York. This bill stands on the same ground as the bill for a subscription of stock in the Delaware and Chesapeake Canal, (and the gentleman may rest assured that Company is not insolvent.) I hope, sir, that what has been done to aid that great and useful improvement will not be withheld from the Company created by the Legislatures of Virginia and North Carolina, to accomplish an object of the same nature.

The gentleman has made a calculation, for the purpose of convincing the Committee that vessels, such as might navigate this canal, could not pass along the Sounds, which lie to the South of it, on account of their shallowness. Well, sir, and because we cannot pass the whole distance to the St. Mary's, are we not to subscribe stock; although it is certified to us, by the Board of Engineers, that vessels can pass a distance of one hundred and sixty-nine miles South of the Canal, in nine feet water? The force of this argument may be felt by the gentleman from Georgia, but I confess it is entirely lost upon me.

REMARKS, MARCH 25, 1826,

ON MR. POINSETT'S NEGOTIATIONS WITH MEXICO.[1]

Mr. Buchanan said, he was glad the gentleman from Kentucky had brought this subject before the House. Upon reading the documents which accompanied the President's message, on the subject of the Mission to Panama, (said Mr. B.) I confess I felt alarmed at the declaration of our Minister to Mexico. I am well acquainted both with the intelligence and the prudence of that gentleman, and, therefore, it is my belief this declaration was not made without authority. This belief is strengthened by a knowledge of the fact, so far as we can judge from the documents, that the Secretary of State has never disavowed, or

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 2, pp. 1767–1768.

even disapproved, the conduct of that Minister. Under these circumstances, the avowal of the pledge to the Mexican Government, which Mr. Poinsett has made, is well calculated to alarm the fears and the jealousy of the People of the United States.

Under what circumstances was this pledge avowed, and what was the relative situation of the two countries? Our Minister was negotiating a commercial treaty with Mexico, and she had refused, in the most positive terms, to grant to the United States a privilege which she had extended to the South American Republics. Upon this occasion, he claimed for us, as a matter of right, all the privileges which had been granted to them; and declared, as the foundation of this demand, that we stood pledged to protect them against any attack which might be made upon their independence, by any European nation except Spain; and, in that event, we should be bound to bear the brunt of the contest.

Now, Sir, if Mexico should be induced, by this positive declaration, to grant us commercial privileges, which she would not otherwise have granted, I ask if we are not bound, in honor and in good faith, to carry it into effect? The expressions used by our Minister were not mere idle diplomatic phrases. They were used for the purpose of obtaining commercial advantages; and were the basis upon which those advantages were to rest. They were held out as the consideration—as the inducement, to that Government; and it is fairly to be inferred, from the documents, that they received the approbation of the Secretary of State. It is time, then, the American People should inquire, and should distinctly know, whether this declaration was authorized by the Executive branch of the Government.

Mr. B. said, it was not his intention, at this time, to bring into discussion, even indirectly, the Mission to Panama. Upon that important subject, he would then express no opinion. He wished to know, precisely, whether Mr. Poinsett had exceeded his instructions or not. He believed this knowledge was all-important. If the Executive had determined to abandon the course of policy which had been heretofore pursued, and to enter into entangling alliances with any Nation, the People should be informed of this determination. If such were not the intention, is it honorable; is it consistent with our National character; is it not a violation of the public faith, to hold out a pledge, for the purpose of deceiving Mexico, and then, after we shall have obtained the privileges which we desired, to mock at their ca-

lamity in the day of danger? Our intercourse with all Nations should rest upon principles of justice. What would the Government of Mexico think of us, what would they have a right to think, if our Minister should hold one language to-day, and, after we had obtained from them what we wanted, we should disclaim his authority to-morrow? In every point of view, Mr. B. thought the subject was well worthy of inquiry.

REMARKS, MARCH 27, 1826,

ON MR. POINSETT'S NEGOTIATIONS WITH MEXICO.[1]

Mr. Buchanan said, he would vote in favor of the amendment which had been proposed by the gentleman from New York, (Mr. Verplanck) and against all the subsequent amendments which had been moved. He would proceed to give his reasons.

I presume, said Mr. B., the gentleman from Massachusetts, (Mr. Webster) among others, alluded to me, when he stated that some gentleman had expressed *an opinion* that our Minister to Mexico had authority to make the declaration which he made to the Government of that country. I had other grounds for this belief beside *mere opinion.* It rests upon the uniform policy of the Executive branch of this Government, for several months past, as disclosed by the documents upon our table.

The gentleman from Massachusetts (Mr. Webster) is not certain there is blame any where. This opinion, in my judgment, cannot be supported. Had not Mexico refused to us the same treaty stipulation which she had granted to the Southern Republics? Had not the negotiation arrived at a crisis? Was it not about to be dissolved? In this critical moment, our Minister, for the first time, declared they should grant us the same advantages, because we stood in the same relative situation towards them, with the other Republics of this hemisphere. We stood pledged to support both their independence and their form of government, against any Power, except Spain, which should attempt to interfere with either. If Mr. Poinsett has obtained a treaty upon false and unfounded declarations of this nature, he is much, very much, to blame. But this is not all. He has proceeded much further. In the latter part of the same letter, he states as follows: "I then recapitulated the course of policy

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 2, pp. 1808–1810.

pursued towards the Spanish Colonies, by our Government, which had so largely contributed to secure their independence, and enable them to take their station among the Nations of the Earth: *and declared what further we were ready to do in order to defend their rights and liberties; but that this could only be expected from us, and could only be accomplished by a strict union of all the American Republics, on terms of perfect equality and reciprocity.*"

Sir, said Mr. B., I wish to see the answer of the Secretary of State to Mr. Poinsett's letter. In that letter he has certainly given a full and candid exposition of the state of the negotiation. It brought home distinctly to the knowledge of our Government, what kind of a treaty their Minister had demanded, and the stipulations which he had made for the purpose of obtaining it. If the answer to this letter should approve his conduct, in general terms; nay, if it should be silent upon the subject, the inference is irresistible, that our Executive wished the Mexican Government to grant us a treaty, under the impressions which had been made by his declarations. If they had not resolved to pursue this course of policy, it was their duty, promptly and decidedly, to disavow the declaration of their Minister. A tacit assent is equally strong, and equally binding with an express assent. If our Government should obtain and accept a treaty upon the terms stated to the Mexican Government by Mr. Poinsett, it would be a violation of every principle of good faith among Nations, afterwards to attempt to extricate ourselves from the pledge, by declaring that he had no instructions to make such a stipulation.

Independent of any express instructions, there is sufficient evidence in the documents before us, to create a belief, that our Minister was not mistaken in the general policy and views of the Executive. When our Government was invited to send Ministers to Panama, the terms of the invitation were explicit; they could not be mistaken. We were informed that the two principal subjects which would engage the attention of the Congress, so far as the United States were concerned, would be our "resistance or opposition to the interference of any neutral Nation, in the question and war of independence, between the new Powers of the Continent and Spain," and our "opposition to colonization in America by the European Powers." Mr. Obregon tells us, "after these two principal subjects, the Representatives of the United States may be occupied upon others." Having

presented this plain exposition of the views of his Government, he invited us to send Representatives to the Congress of Panama, " with express instructions in their credentials, upon the two principal questions." The letter of Mr. Salazar contains substantially, the same declarations.

Does the answer of the Secretary of State contain a whisper of dissent from the terms of this invitation? Do we accept the invitation conditionally? Do we declare we could enter into no treaty of alliance, for the purpose of carrying into effect the objects which the Southern Republics had in view? No, Sir. On the contrary, the invitation was accepted in the most general terms. There is one part of the letter of Mr. Salazar relating to this subject, which deserves particular attention: He states, that " this is a matter of immediate utility to the American States that are at war with Spain, *and is in accordance with the repeated declarations and protests of the Cabinet at Washington.*" Was Mr. Salazar mistaken, and, if he were, why did not the Cabinet correct the mistake? Mr. B. observed, that he thought he had sufficiently shown it was not a mere opinion, without facts to support it, which had induced him to believe Mr. Poinsett was authorized to make the declarations which he had made to the Mexican Government.

I confess, said Mr. B., it appears to me, that the great danger of the mission to Panama, is, that our Government will there pursue this course of policy. If I shall be convinced this will not be the case, I will give my consent to the mission. As to Cuba and Porto Rico, I echo the sentiments of the President with all my heart. I would not agree that any nation on earth should wrest those islands from the dominion of Spain. With the exception of England, there is no Government in existence that I would not rather see in possession of them than the Government of Mexico.

The United States have had sufficient experience of the inconvenience and the danger of entangling alliances. We once entered into such a treaty with France, and we were compelled to buy ourselves off at a great sacrifice. It is not my wish, said Mr. B., to be understood that this Government ought not, under any circumstances, to defend the independence of the Southern Republics. The principle for which I contend, is, that we should not be bound to do so by treaty, but be left free to act, with a proper regard to our own situation, when the crisis shall arrive.

This resolution should be referred to the Committee of For-

eign Relations. That Committee is, in its nature, confidential. Let them inquire, in the first place, and, if they want more information than they already possess, they can introduce a resolution for the purpose of obtaining it, by the authority of this House. I do not want merely the instructions which were given to Mr. Poinsett. I do not believe he received any express authority to form a treaty of alliance. It required no ghost to tell us that. I wish the Committee carefully to examine all the documents which have been published, or which may be in their power, and report to this House, whether Mexico may not have been deceived, whether she had not sufficient authority to believe we were pledged to support her independence, and whether, under this false impression, she might not grant us a treaty, according to our wishes. It is better to send the subject, at once, to that Committee. It will go to them without restriction. It cannot be sent to the President in that manner. We can only ask from him for such information as may be communicated without prejudice to the public interest. It is for these reasons that I give a decided preference to the amendment proposed by the gentleman from New York.

RESOLUTION, APRIL 4, 1826,

ON THE PANAMA MISSION.[1]

Mr. Buchanan, who said he wished to offer a resolution. He did not intend, at present, to enter into any discussion upon the subject. His friend from Delaware (Mr. McLane) had mainly expressed his sentiments upon the subject. The gentleman from Massachusetts, (Mr. Webster) had objected to the amendment proposed by the gentleman from Delaware, that it was attaching a condition to the resolution reported by the Committee of Foreign Relations, unknown to the Constitution of the country, and might be considered as an instruction from this House to our Ministers at Panama. To obviate this objection, upon the intrinsic force of which he would not now express an opinion, he should offer the resolution which he would read to the Committee:

Resolved, That, whilst this House regard the Republics of this continent with the warmest feelings of sympathy and friendship, and could not view

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 2, p. 2029.

with indifference the hostile interposition of any European Power against their Independence; yet they deem it inexpedient to depart from the long settled policy of this country, by entering into an alliance, offensive or defensive, with any nation, by which the People of the United States would deprive themselves of the power freely to act, in any crisis, in such a manner as their own honor and policy may, at the time, dictate.

The Committee then rose—and in the House the resolution offered by Mr. Buchanan was ordered to be printed.

FROM GENERAL JACKSON.[1]

HERMITAGE April 8th 1826.

DEAR SIR

I received by due course of mail your friendly letter of the 8th ult.—transmitting a resolution passed by the convention at Harrisburgh in which it is declared "that their confidence in me is unimpaired." This resolution adds another to the many obligations which I owe to the republicans of Pennsylvania, and which shall be cherished as long as the feelings of gratitude and the sentiments of patriotism have a place in my heart. What greater consolation could be offered to my declining years than the reflection that my public conduct, notwithstanding the difficulties thro which it has led me, can still be honored with testimonials so distinguished as this from the enlightened and patriotic Pennsylvanians; I desire no greater.

I have noted your remarks relative to Mr. Molton C. Rogers—every information I have recd, concerning him, corroborates your account of him, and I have no doubt he fully merits the high character he sustains.

We have received the result of the Panama question in the Senate—from the whole view of the subject I have been compelled to believe that it is a hasty unadvised measure, calculated to involve us in difficulties, *perhaps war*, without receiving in return any real benefit. The maxim that it is easier to avoid difficulties than to remove them when they have reached us, is too old not to be true: but perhaps this and many other good sayings are becoming inapplicable in the present stage of our public measures which seem to be so far removed from our revolution that even the language of Washington must be transposed in order to be reconciled to the councils of wisdom! I hope I may be wrong. It is my sincere wish that this Panama movement may advance the happiness and glory of the country, but if it be not a commitment of our neutrality with Spain, and indirectly with other powers, as for example Brazil, I have misconstrued very much the Justice of the anathemas which have been pronounced upon the assembly at Verona as well as the true sense of the principles which form international law. Let the primary interests of Europe be what they may, or let our situation vary as far as you please from that which we occupied when the immortal Washington retired from the councils of his country, I cannot see for my part how it follows that the primary interests of the United States will be

[1] Buchanan Papers, Historical Society of Pennsylvania. This letter is imperfectly printed in Curtis's Buchanan, I. 47.

safer in the hands of others, than in her own; or in other words, that it can ever become necessary to form entangling alliances, or any connection with the governments of South America which may infringe upon that principle of equality among nations which is the basis of their independence, as well as all their international rules. The doctrine of Washington is as applicable to the present as to the then primary interests of Europe, so far as our own peace and happiness are concerned, and I have no hesitation in saying so far as the true interests of South America are concerned, maugre the discovery by Mr. Adams that if Washington was now with us he would unite with him in sending this mission to Panama. No one feels more for the cause of the South Americans than I do, and if the proper time had arrived, I trust that none would more willingly march to their defence. But there is a wide difference between relieving them from a combination of leagued powers, and aiding them in forming a confederation which can do no good as far as I am apprised of its objects; and which we all know, let its objects be the best, will contain evil tendencies.

Believe me to be with great respect, your

most obdt. servt.

ANDREW JACKSON.

SPEECH, APRIL 11, 1826,

ON THE PANAMA MISSION.[1]

The House having again resumed the consideration of the report of the Committee of Foreign Relations, approving the Mission to Panama, with the amendments proposing a qualification to the general expression of approbation thereof—

Mr. Buchanan addressed the committee as follows:

Mr. Chairman: I cannot say, with the gentleman from Virginia, (Mr. Powell) who spoke first in this debate, that I am no party man. To a certain extent, I am a party man. It is well known, that, at the last Presidential election, I gave my warm and decided support to the distinguished individual whom the People of this country sent to the House of Representatives with a large plurality of Electoral votes. It is my fixed purpose to give the same individual my feeble support, in the next contest. I shall consider the next election as an appeal from the House of Representatives to the People, for the purpose of reversing a precedent which I consider dangerous to their liberties. To this extent I am willing to confess myself a party man; as I never wish even to be suspected of fighting under false colors.

If, however, any gentleman upon this floor has intended to charge me with being engaged in a factious opposition to the

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 2, pp. 2168–2182.

measures of the present Administration, I now indignantly cast back the charge upon him, and pronounce it to be unfounded. A factious opposition consists in opposing wise measures, because they have been recommended by particular men. I never have, and never shall, pursue this course. It would be as impolitic as it is unjust. The People of the United States will never sustain such an opposition. If any circumstance, in which he had no concern could, in my native State, prostrate the illustrious individual whom she still delights to honor, it would be, that his friends in Congress were concerned in factiously opposing the measures recommended by the present Administration. But do gentlemen expect to *carry everything* in this House which *may* be proposed by the executive, merely by attempting to brand the opposition with the name of faction? I trust that such is not their intention. I feel certain if it be, *they* will be disappointed.

I protest against the measure now before the committee being considered a party measure. I am willing to follow the example of the individual to whom I have already alluded, and judge the tree by its fruits. I have not a single feeling of personal hostility against the present chief magistrate of this Union. I shall always endeavor to do him justice. There is, however, in my opinion, just cause of complaint against his friends on this floor, for endeavoring to make the subject before the committee a party question. The cause of liberty in South America is the cause of the whole American people not of any party. An opposition to that sacred cause never will, never can, be cherished by the friends of that individual who refused to accept a mission to Mexico, merely because Mexico was then suffering under the despotic sway of a tyrant and a usurper. Nothing but a strong sense of duty will induce any gentleman upon this floor to resist his own inclinations, and to stem what seems to be the popular current, by giving his vote against this mission.

I shall now proceed to discuss the subject under the various aspects in which it has presented itself to my mind.

I know there are several gentlemen on this floor, who approve of the policy of the amendments proposed, and wish to express an opinion in their favor; and who yet feel reluctant to vote for them, because it is their intention finally to support the appropriation bill. They think, if the amendments should be rejected, consistency would require them to refuse any grant of money to carry this mission into effect. I shall, therefore, ask the attention of the committee, whilst I endeavor to prove that

there would not, in any event, be the slightest inconsistency in this course.

I assert it to be a position susceptible of the clearest proof, that the House of Representatives is morally bound, unless in extreme cases, to vote the salaries of Ministers who have been constitutionally created by the President and Senate. The expediency of establishing the mission was one question, which has already been decided by the competent authority; when the appropriation bill shall come before us, we will be called upon to decide another and a very different question. Richard C. Anderson and John Sergeant have been regularly nominated by the President of United States to be Envoys Extraordinary and Ministers Plenipotentiary "to the Assembly of American nations at Panama." The Senate, after long and solemn deliberation, have advised and consented to their appointment. These Ministers have been created—they have been called into existence under the authority of the Constitution of the United States. That venerated instrument declares, that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur: and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law." What, then, will be the question upon the appropriation bill? In order to enable our Ministers to proceed upon their mission, the President has asked us to grant the necessary appropriation. Shall we incur the responsibility of refusing? Shall we thus defeat the mission which has already been established by the only competent constitutional authorities? This House has, without doubt, the physical power to refuse the appropriation, and it possesses the same power to withhold his salary from the President of the United States. The true question is, what is the nature of our constitutional obligation? Are we not morally bound to pay the salaries given by existing laws to every officer of the Government? By the act of the first May, 1810, the outfit and salary to be allowed by the President to Foreign Ministers are established. Such Ministers have been regularly appointed to attend the Congress at Panama. What right then have we to refuse to appropriate the salaries which they have a right to receive, under the existing laws of the land?

I admit there may be extreme cases, in which this House would be justified in withholding such an appropriation. "The safety of the people is the supreme law." If, therefore, we should believe any mission to be dangerous, either to the existence or to the liberties of this country, necessity would justify us in breaking the letter to preserve the spirit of the Constitution. The same necessity would equally justify us in refusing to grant to the President his salary, in certain extreme cases, which might easily be imagined.

But how far would your utmost power extend? Can you re-judge the determination of the President and Senate, and destroy the officers which they have created? Might not the President immediately send these Ministers to Panama; and, if he did, would not their acts be valid? It is certain, if they should go, they run the risk of never receiving a salary; but still they might act as Plenipotentiaries. By withholding the salary of the President, you cannot withhold from him the power; neither can you, by refusing to appropriate for this mission, deprive the Ministers of their authority. It is beyond your control to make them cease to be Ministers.

The constitutional obligation to provide for a Minister, is equally strong as that to carry into effect a treaty. It is true, the evils which may flow from your refusal may be greater in the one case than the other. If you refuse to appropriate for a treaty, you violate the faith of the country to a foreign nation. You do no more, however, than omit to provide for the execution of an instrument which is declared by the Constitution to be the supreme law of the land. In the case which will be presented to you by the appropriation bill, is the nature of your obligation different? I think not. The power to create the Minister is contained in the same clause of the Constitution with that to make the treaty. They are powers of the same nature. The one is absolutely necessary to carry the other into effect. You cannot negotiate treaties without Ministers. They are the means by which the treaty-making power is brought into action. You are, therefore, under the same moral obligation to appropriate money to discharge the salary of a Minister, that you would be to carry a treaty into effect.

If you ask me for authority to establish these principles, I can refer you to the opinion of the first President of the United States—the immortal Father of his Country—who, in my humble judgment, possessed more practical wisdom, more

political foresight, and more useful constitutional knowledge, than all his successors.

I have thus, I think, established the position, that gentlemen who vote for the amendments now before the committee, even if they should not prevail, may, without inconsistency, give their support to the appropriation bill.

I shall now proceed to the discussion of the proposed amendments; and, I must confess, I do not much admire their phraseology. I am far from thinking them the most happy specimen of the style of my friend from Delaware, (Mr. McLane.) They would be better, if they were much shorter; but, for every substantial purpose, they meet my most cordial approbation. What are the two principles which they contain? They declare, as the opinion of this House, that the Ministers which we shall send to Panama, ought not to receive authority to enter into any alliance, offensive or defensive, with the Southern Republics, or even to negotiate upon the subject; neither ought they to be instructed to pledge this Government to maintain, by force, the principle, that no part of the American continent shall henceforward be subject to colonization by any European Power. Their foundation rests upon the long and the well-settled maxim of the policy of this country—that we should avoid entangling alliances with all nations.

What objections have been urged against these amendments? The gentleman from Massachusetts (Mr. Webster) has contended that, if they should prevail, they will violate the constitutional power of the Executive, and will virtually amount to instructions from this House to our Ministers. I am at a loss to conceive how he will support this position. If the President had simply demanded from us an appropriation to carry the mission into effect, and such amendments had been offered to the bill, the objection would have been conclusive.

The true state of the question before the committee will, of itself, obviate this difficulty. The President has sent two messages to this House; in the one, he asks for our opinion concerning the expediency of the mission, and, in the other, for an appropriation to carry it into effect. The first message was referred to the Committee of Foreign Relations, who have reported in favor of the expediency of the measure; and the second to the Committee of Ways and Means, who have reported an appropriation bill. It is the report of the Committee of Foreign Relations which is now before this committee. The President should

have been content with the appropriation alone. He and his friends ought not to have desired to obtain the opinion of this House, and thus to shelter themselves from the responsibility under our authority. They, however, have thought differently. The President, in his message, has detailed the objects of the mission; and the Committee of Foreign Relations have submitted to us an elaborate report approving of the whole of them, in the strongest and most general terms. Are this House obliged either to applaud or condemn the whole? Have they not the power to exercise their discretion? Must they declare either that all the objects of the mission are proper, or that they are all improper? If we have a discretion, which I think cannot be denied, we have the power to discriminate. We have the power of approving a part of the report of the Committee of Foreign Relations, and condemning the remainder. These amendments proceed no further. The resolution before the committee, when amended and adopted, will be neither more nor less than a simple opinion of this House, upon a subject which has been regularly brought before it for determination. By what logic the gentleman from Massachusetts (Mr. Webster) will be able to prove that such a resolution will be an instruction from this House to our Minister, I am utterly unable to comprehend.

This House has always exercised the power of expressing its opinion upon great political questions, whether of a foreign or domestic nature, by means of resolutions. Until this debate commenced, nobody ever thought that such a course was an improper interference with the prerogatives of the Executive. A new era must have commenced, or such a doctrine would not be supported.

If these amendments should prevail, the mission will still go to Panama free and unrestricted. The President, in framing his instructions, will give to the opinion of this House so much weight, as, in his judgment, it deserves. He will be at liberty to disregard it altogether, if he thinks proper. This alleged attempt upon the part of the friends of the amendment, to instruct our Ministers, has not the least foundation in fact.

I now come to a question of great importance in this discussion. Does the information before the House justify the proposed amendments, and render them necessary? or, are they mere abstract propositions, in no manner connected with the subject? I have never been more mistaken if I shall not be able to demonstrate, that, from the uniform course of policy

which has been pursued by the present Administration, they are already committed to such an extent that it will be exceedingly difficult for them to retrace their steps and extricate themselves without giving just cause of offence to the Southern Republics. In my opinion, a crisis has now arrived, in which it is the duty of this House to take a firm stand in favor of the ancient and the approved policy of the country. We should proclaim to the world, that it is our determination "to preserve peace, commerce, and friendship, with all nations, and to form entangling alliances with none."

It will here be necessary to take a short historical view of our relations with the Southern Republics. Within the last few years, we have seen in this Hemisphere, seven new Republics emerging from the chaos of Spanish Colonial despotism. The whole American People beheld this cheering spectacle with heartfelt satisfaction. We watched their progress with the most intense anxiety, and, marching in the van of nations, we first declared them to be free, sovereign, and independent. This declaration now is, and will forever continue to be, one of the most glorious events in our annals. It was made on the fourth of May, 1822, and all hailed it with pride, and with pleasure. In the Summer of 1823, the Holy Alliance, at the request of Spain, were called upon to assist in subjugating, what she was pleased to call her revolted colonies. The most serious apprehensions were then entertained, that an unholy crusade was to be proclaimed against the cause of liberty and Republican Government, wherever they existed over the whole earth. In this alarming posture of affairs, did we give any pledge to foreign nations? Did we commit the faith of the country to all, or any of the Southern Republics? Certainly not. We maintained the same independent position which we had always occupied in our relations with foreign nations. The celebrated message of Mr. Monroe, of December 2d, 1823, announced to the Holy Alliance, and to the world, that we could not view with indifference the hostile interposition of any European power against the independence of the Southern Republics; but would consider such an attempt as dangerous to our own peace and safety. This declaration was re-echoed by millions of freemen. It was received with enthusiasm in every part of the Union. It answered the purpose for which it was intended, and the danger which then threatened the Southern Republics has since passed away.

This declaration contained no pledge to any foreign Government. It left us perfectly free: but it has since been converted into such pledge by the present Administration; and, although they have not framed formal alliances with the Southern Republics, yet they have committed the country in honor to an alarming extent.

The present Secretary of State has always been an enthusiast in favor of the Southern Republics. He has gone to such extremities in their cause, that, in this particular, prudent men would feel disposed to compliment his heart at the expense of his understanding. I have no doubt his conduct has proceeded from the ardor of his nature in the cause of liberty; and, therefore, I shall be the last man to visit it with censure.

From the date of the message of Mr. Monroe, until the present Administration came into power, we have never heard that any attempt was made to convert it into a pledge to any of the Southern Republics. No sooner had the present Secretary taken possession of the chair of State, than our policy was changed. Mr. Poinsett was sent as Minister to Mexico, to obtain a commercial treaty from that Government. In his instructions, which bear date on the 25th of March, 1825, and which were never communicated either to the Senate or to this House, until the 30th of March, he was directed to impress the principles of Mr. Monroe's message upon the Government of the United Mexican States. He was also instructed to urge upon that Government "the utility and expediency of asserting the same principles on all proper occasions." Was not this a direct departure from the course which the former Administration had pursued? Are not these instructions substantially to this effect? We wish to enter into a treaty of commerce with you: we have determined that no European Power shall interfere between any of the Southern Republics and Spain, in their war for independence; nor shall they attempt to colonize any part of this continent: we, therefore, urge you to act in concert with us in asserting the same principles. The truth is, the Secretary evidently considered it as a pledge, and sent it forth as such to foreign nations. How was it understood by Mexico? During the last Summer, it was apprehended by that Government that France was about to invade the Island of Cuba. We were then instantly called upon to redeem our pledge, and protect that Island against the fleet and army of France. On this occasion did the Secretary attempt, either directly or indirectly, to deny the existence of

such a pledge to Mexico? On the contrary, in his letter to Mr. Poinsett, of the 9th of November last, he expressly recognises our obligation, and leaves the Mexican Government to infer what we would have done had the contingency happened, from a despatch which he had sent to the American Minister at Paris. This despatch contained an express declaration that the Government of the United States could not consent to the occupation of the Islands of Cuba and Porto Rico by any other European Power than Spain, under any contingency. Was not this a formal recognition of the pledge, on the part of our Executive? But is this all? No; very far from it. It is unnecessary again to repeat the strong language of Mr. Poinsett to the Ministers of Mexico upon this subject, which has been so often repeated on this floor. It is so clear and conclusive a pledge that, with respect to it, there can be no mistake or misapprehension. This language was communicated to Mr. Clay, in the letter of the 28th of September. That gentleman when called upon by this House for his answer, informed us that none had been transmitted. He has since discovered that he was mistaken, and has transmitted us the answer to Mr. Poinsett's letter, which had been accidentally overlooked. Does this letter of Mr. Clay disapprove the declaration of Mr. Poinsett to the Mexican Government? We know that it does not. An implied assent is as strong as an express assent. Mr. Poinsett, from his instructions, and from the whole correspondence, stands completely justified before his country for the declarations he has made. In this manner our country, so far as it can be committed by the Administration, has been pledged to Mexico to pursue the course of policy which I have endeavored to delineate.

How shall we extricate ourselves from these obligations to Mexico? Shall we say to them: true it is, we have attempted to obtain from you the same commercial privileges which you are willing to grant to the other Republics of this continent, by declaring to you that we form a part of what is called the great American system, and that we are pledged to maintain your independence by war, if that should become necessary, "and to bear the brunt of the contest." True it is we know in what manner you understood our declarations, and we have expressly recognized your construction, by declaring our determination to carry it into effect against France, if she should attempt to invade the Island of Cuba. True it is, that when the nature of the pledge was distinctly brought home to our Government by Mr. Poinsett,

we never whispered a word against its binding force. But yet you were entirely mistaken in its nature. Mr. Clay, whilst the House of Representatives had the subject under debate, has declared, that it was a pledge, not to you, but to ourselves and our posterity. You have, therefore, no interest whatever in this pledge, and we can release ourselves from it as soon as we shall think proper.

I ask if any man of honor, after he had committed himself to his neighbor in this manner, and had thus attempted to obtain an advantage from him, could afterwards say, without forfeiting his character, I merely pledged myself to myself. I can, and will, redeem myself from my pledge; and you must suffer the loss and the disappointment.

In my opinion, the friends of the Administration on this floor ought to be most anxious that these amendments should prevail. They would be the best justification of the President at Panama. He could then say with propriety, that, whatever might have been his own inclination in relation to this pledge, the House of Representatives had declared it should never have their sanction.

I think, sir, I have already shown, that the documents upon our table contain sufficient reasons for the adoption of these amendments. But I shall not rest here. I will proceed to another most important branch of the subject. In the first place, however, it will be necessary to present before the committee a view of the precise character of the Congress of Panama. It is certainly not difficult to understand its nature; but, in my judgment, it has not yet been correctly explained. If you would look for its true character, you must examine the treaties to which it owes its existence. They form a perpetual alliance, offensive and defensive, in peace and in war, between those Republics who are parties to them. They create, to use their own language, "a perpetual union, league, and confederation." The Congress of Panama will be composed of Plenipotentiaries from all the Southern Republics, "for the purpose of establishing, on a more solid basis, the intimate relations which should exist between them all, individually and collectively, and that it may serve as a council in great events, as a point of union in common danger, as a faithful interpreter of public treaties when difficulties may arise, and as an arbitrator and conciliator in their disputes and differences." It appears, then, that the first object intended to be accomplished by the Congress of Panama is, to establish a strict

and intimate alliance and union between all and each of the seven Republics which have freed themselves from the yoke of Spain. Should this be accomplished, to the extent which they intend, I shall look upon the day of its consummation as the darkest which this country will ever have beheld. We shall then be compelled either to become a member of the Confederacy or stand alone upon this continent against seven independent and powerful nations. If, for the preservation of the honor or the interest of the American People, we shall be compelled to go to war with one of these Republics, the whole continent of America, South of our own territory, will be marshalled in hostile array against us. War with one must be war with all. Such an alliance may not be so dangerous to our liberties as a league between monarchs; but, the calm of despotism, however dreadful it may be to the subjects of the despot, does not present to foreign nations the same terrors that would be presented by a confederation of young, and vigorous, and ambitious Republics. I trust in God that the Ministers who may be sent to Panama will be instructed to use their best exertions to break up this Congress. With whatever favor it may now be regarded by the American People, the time will come, ere long, when it will be looked upon as an object of jealousy and apprehension. If this Congress should accomplish the purpose for which it has been conveyed, our hope must then be, that it will share the fate of nearly all the confederacies which have ever existed. Our Ministers should warn them by the examples of history, by the precepts of Washington, to avoid entangling alliances with each other. They should admonish them of the danger of jealousy and civil war. They should tell them that such a league, instead of being their protection, might become their ruin.

It is clear to my mind, from the documents in our possession, that the President, in balancing the difficulties of our situation, thought it better this country should incur the danger of becoming eventually a party to this alliance, than stand alone. He must have foreseen, and it is evident he did foresee, that this Government, whatever might be its intention by sending Ministers to the Congress of Panama, would be insensibly drawn into the Confederation; that the Congress, from the nature of the objects to which its attention will be directed, must be perpetual. After the alliance shall have been completely formed, it will remain as the council in great events, and the point of Union in common danger for the Confederacy. I am free to admit, that, in

my opinion, it will not be an assembly of Sovereign States, like our old Confederation. Its powers, however, are more than merely diplomatic. It possesses judicial authority to fix the construction and decide upon the true meaning of public treaties between members of the Confederacy. It will also be the arbitrator in all disputes and difficulties which may arise. Whether it will possess the power of carrying its decrees into effect, I cannot determine, as the treaties are silent upon that subject. The President, when he accepted the invitation given to this country to be represented by the Ministers in that Congress, knew that their very attendance there might produce a strong sympathy between us and the confederates. That, whatever instructions might be given in the beginning, we should, probably, in the end, be drawn into an alliance. This is a view of the subject entirely distinct from any question which has arisen, either respecting our neutrality in the war between Spain and her former colonies, or our pledge to maintain their independence and form of government. It looks beyond both. The President, in his message to the House, has met this question fairly. I shall quote his own language. He says, "among the inquiries which were thought entitled to consideration, before the determination was taken to accept the invitation, was that, whether the measure might not have a tendency to change the policy, hitherto invariably pursued by the United States, of avoiding all entangling alliances, and all unnecessary foreign connexions."

Does the President deprecate this event, which his sagacity had foreseen? Does he declare that this shall never be our policy, and that he will take the necessary means to prevent it? On the contrary, knowing that the American People considered an adherence to the farewell address of the man who was first in war, first in peace, and first in the hearts of his countrymen, to be the palladium of their safety, he has, by a long and ingenious argument, attempted to destroy its force. He has endeavored to prove that its principles did not apply to the Southern Republics, and that General Washington himself, under existing circumstances, would have entered into close alliance with them. And has it come to this? Was it not enough to have abandoned the principles of that immortal man, without attempting, by ingenuity, to turn them in direct opposition to their plain and palpable meaning? I do not wish to cast any reflections upon the character of the present President. I believe him to be a great statesman, and, perhaps, as well versed in the theory

of diplomacy as any man now living. I must, however, be permitted to say, that he has attempted to explain away the principles of the Farewell Address. No man who reads his message can entertain a doubt on the subject. And, yet, his friends in this House say there is no cause of alarm; there is no necessity for adopting the amendments—if we did, they would show a want of proper confidence in the Executive. I should have been glad if my friend from Massachusetts (Mr. Everett) had given us any explanation of this part of his Message in his Report. He has not thought proper to do so, but has ingeniously passed it over without comment. Is it not, then, necessary to adopt these amendments, for the purpose of declaring that, in our opinion, the policy of Washington should still prevail?

There is still another forcible reason which may be urged in favor of these amendments. Upon this part of the subject I shall be brief, as it has been fully discussed by others. When the Ministers of Mexico and Colombia invited us to send Representatives to the Congress of Panama, they explicitly stated the subjects in the discussion of which it was expected our Ministers would take part. We were distinctly told that "one of the subjects which will occupy the attention of the Congress will be the resistance or opposition to the interference of any neutral nation in the question and war of independence between the new Powers of the Continent and Spain," and the other, "the opposition to colonization in America by the European Powers." These were to be "the two principal subjects," and our Government was informed that it was expected their Ministers should be furnished with "express instructions in their credentials" upon these two principal questions. It is true, that both the Ministers from Mexico and Colombia declared they did not wish this Government to compromit its neutrality by taking part in those discussions which related to the war then in existence between them and Spain. In discussing this part of the case, the gentleman from Louisiana (Mr. Brent) has fallen into a great mistake. He has exclaimed—has not the President declared that our neutral relations shall not be affected? True, he has, and, therefore, on that subject, I feel no apprehension. But can any person pretend that it would compromit our neutrality to enter into an eventual alliance with these Republics, not to take effect unless some other European Power should interfere against their independence? It is clear, if we do not engage in the existing contest we would not violate our neutrality by becoming parties

to such a treaty. This distinction is expressly taken by the Ministers of Mexico and Colombia themselves. Has the President any where declared that he will take no measures for the purpose of making such an eventual alliance as I have mentioned? In his message to the Senate, he has stated that "It will be seen that the United States neither intend, nor are expected, to take part in any deliberations of a belligerent character; that the motive of their attendance is neither to contract alliances nor to engage in any undertaking or project importing hostility to any other nation." This language plainly refers to such an alliance as would affect our neutral character, and to no other; and I have looked in vain for any part of the message to the House, from which a different inference could be deduced.

In the letter of the Secretary of State, by which the invitation was accepted, "whilst he declares that our Ministers will not be authorized to enter upon any deliberations, or to concur in any acts inconsistent with the present neutral position of the United States, and its obligations, *they will be fully empowered and instructed upon all questions likely to arise in the Congress on subjects in which the nations of America have a common interest.*" The acceptance of the invitation is in the most general terms. Our Ministers (says the Secretary) will be authorized to discuss, and will be instructed upon, every question, except those which may affect our present neutrality. Are the committee, then, prepared to say that our Ministers to Panama shall enter into negotiations concerning such an eventual alliance as the Ministers from Mexico and Colombia have suggested? If they are not, they will adopt the amendments proposed.

We are still told we should have confidence in the Executive, and it would show a want of sufficient confidence in that branch of the Government, to adopt the amendments. On this subject I agree with the gentleman from Virginia, (Mr. Rives) that this is no case for confidence. What, sir, confidence against the record and the documents before you? When they speak one language, are you to believe they intend another?

But there are other circumstances connected with this question, which have deprived me of any ground for confidence, in relation to this particular subject. The invitation to attend the Congress of Panama was accepted by the Executive but six days before the meeting of Congress. I put it to every gentleman who now hears me, what ought to have been their conduct? Ought not the President to have waited for the meeting of the

Senate, and taken the opinion of his constitutional advisers? It is admitted by all to have been a decision of great novelty, and of vast importance; why, then, did he choose at once to rush into the arms of our new allies, rather than wait the brief space of six days? His immediate predecessor did not pursue such a course. He had established a memorable precedent, which should have been followed on this occasion. When he thought the time had arrived to recognise the independence of the Southern Republics, he first asked an appropriation, to enable him to send Ministers to them; and thus he obtained the fair and unbiased opinion of Congress. Why was not this salutary example followed? What does the precipitancy of the present Administration argue? What might an enemy infer from their conduct? Might he not say that, believing it to be a subject which would arouse the best feelings of the American People, they wished to appropriate to themselves all the popularity and glory of the mission; that they could thus commit the country to such an extent, that the Senate would not dare to resist their application? If such were their intention, they have been mistaken. True it is, they have so far committed the country, and excited the expectation of the new Republics, that it would now be much more impolitic for us not to go to the Congress of Panama than to go; yet the Senate have so restrained the ardor of the Executive as to deprive the mission of much of its danger.

When I look to that venerable body, I cannot sufficiently admire the wisdom of our ancestors, in placing them as a check upon the conduct of the Executive. I most sincerely believe, if this mission had gone to Panama, with the powers at first contemplated, the country would, ere this, have been dangerously committed to the Southern Republics. The Senate are entitled to the praise of having taken the sting from it, and having rendered it comparatively harmless.

The President, in his message to the Senate, has declared that he deemed it to be within the constitutional competence of the Executive to send Ministers to Panama. He applied to the Senate, not because he thought their sanction necessary, not because he believed he could not act without it, but because he wished to evince a proper degree of deference for their opinion.

This, it appears to me, is an assumption of power on the part of the Executive, unknown to the Constitution. That instrument makes it his duty "to give Congress, from time to time, information of the state of the Union." From this duty results his

power of sending agents abroad, merely for the purpose of obtaining information. This power has been often exercised. But, by what authority the President could claim the right of sending Plenipotentiaries to Panama, without the consent of the Senate, I am utterly at a loss to determine.

There is another reason, which has shaken my confidence in the Executive, so far as respects this mission. The Senate were anxious to discuss this measure with open doors. They, therefore, requested the President to inform them, whether the publication of the documents necessary to be referred to in debate, would be prejudicial to existing negotiations. He, however, fixed the seal of confidence upon the proceedings, and held them bound to secrecy fast as the grasp of death. But no sooner had the Senate decided the question, than he himself published to the world these very documents, and accompanied them by a message, which is, in fact, but an answer to the report of the Committee of Foreign Relations to the Senate. The reply is thus made to precede the argument. And thus it was expected first to seize upon the feelings of the People of the United States, and get them committed against the Senate. It is not for me to say this conduct was wrong; but I know, if I were a Senator, I should feel it most sensibly. In this reply, whenever the argument of the Committee of Foreign Relations was unanswerable, the President changed his ground, and presented the matter to the House in an aspect entirely different. I shall present an example before the committee, to illustrate this position.

The President, in his message to the Senate, distinctly stated, that one object which he had in view in accepting the invitation, was to influence the Southern nations to change their political constitutions in regard to their established religion, and to introduce universal toleration. From the state of public opinion in those countries, an attempt of this nature would spread one universal flame over the whole Southern continent. With whatever justice the enemies of the Catholic religion may say it has been a scourge to liberty in other countries, it has certainly been a blessing to the Southern Republics. Its ministry, so far from having set themselves in array against the principles of liberty, took a leading and an efficient part in accomplishing the revolution. This assertion is true, in its utmost extent, in relation to Mexico. The President, having discovered the danger of such an interference, at the present time, very prudently changed his attitude in his message to this House, and now only

intends to ask, at Panama, what I feel confident all the nations will grant, without the least difficulty—the liberty to our citizens, while they reside within any of the Republics, of worshipping their God according to the dictates of their own conscience.

I come, now, to speak of a subject deeply interesting to my own constituents, and to the State which I have the honor, in part, to represent, as well as the rest of the Union. We have often been told, as an argument against these amendments, that they imply a want of confidence in the executive. Judging from their conduct in relation to the Island of Cuba, I am justified in declaring, that my confidence in them is shaken, in everything which regards the Southern Republics. England and France have been warned by our government, in the most solemn and formal manner, that we could not consent to the occupation of that island by any other European power than Spain, under any contingency whatever. Ought not the same course to have been pursued towards the South American Republics? The reasons for adopting this policy, as I shall presently show, are at least as strong in the one case as in the other; but, yet, the documents prove that the Cabinet had arrived at a different conclusion. From them, it is evident, that our government did not intend to interfere for the purpose of preventing an invasion of that island by Mexico and Colombia. Mr. Clay, in his letter of December last, to the ministers of these two nations, requested, only, that their invasion of Cuba might be suspended until the result of our interference in their favor with the European powers should be ascertained. In his letter to Mr. Middleton, our minister at St. Petersburg, dated in May last, which he read to the Ministers of Mexico and Colombia, he entered into a long argument to justify an invasion of that island by those Republics, in case Spain should prove obstinate, and not recognize their independence. I will not trouble the committee by reading this despatch to them, as it is in the hands of every member.

The vast importance of the Island of Cuba to the people of the United States, may not be generally known. The commerce of this island is of immense value, particularly to the agricultural and navigating interests of the country. Its importance has been rapidly increasing for a number of years. To the middle, or grain-growing States, this commerce is almost indispensable. The aggregate value of goods, wares, merchandise, the growth, produce, and manufacture, of the United States, exported annually to that island, now exceeds three millions and a half of dollars.

Of this amount, more than the one-third consists of two articles, of pork and flour. The chief of the other products of domestic origin, are fish, fish-oil, spermaceti-candles, timber, beef, butter and cheese, rice, tallow-candles and soap. Our principal imports from that island are coffee, sugar, and molasses, articles which may almost be considered necessaries of life. The whole amount of our exports to it, foreign and domestic, is nearly six millions, and our imports nearly eight millions of dollars. The articles which constitute the medium of this commerce, are both bulky and ponderous and their transportation employs a large portion of our foreign tonnage. More than the one-seventh of the whole tonnage, engaged in foreign trade, which entered the ports of the United States during the year ending the last day of September, 1824, came from Cuba; and but little less than that proportion of the tonnage employed in our export trade, sailed for that Island. Its commerce is, at present, more valuable to the United States, than that of all the Southern Republics united. How, then, can the American People ever agree that this island shall be invaded by Colombia and Mexico, and pass under their dominion? Ought we not to avert its impending fate, if possible? The vast and fertile regions of Mexico and Colombia will produce, in abundance, nearly all the articles with which we now supply Cuba. If it should be revolutionized, and become an integral part of either of these Republics, the fate of this portion of our trade would at once be sealed. Disguise the fact as we may, Mexico is destined to become our rival. She already feels it and knows it. She already looks to war between us and the Southern Republics. When our Minister told her Plenipotentiaries that the power she desired to preserve of granting privileges to the Southern Republics which she wished to deny to us, would be useless to her, on account of our existing treaties with them, they hastily remarked, that war would dissolve all treaties. Shall we, then, stand, with our arms folded, and see this island pass into her possession? Shall we rest contented with having advised a simple suspension of its invasion merely with a view to the benefit of those Republics?

Important as this island may be to us in a commercial, it is still more important in a political view. From its position, it commands the entrance of the Gulfs, both of Mexico and Florida. The report of our Committee of Foreign Relations truly says, "that the Moro may be regarded as a fortress at the mouth of the Mississippi." Any Power in possession of this Island, even

with a small naval force, could hermetically seal the mouth of the Mississippi. Thus, the vast agricultural productions of that valley, which is drained by the father of rivers, might be deprived of the channel which nature intended for their passage. A large portion of the People of the State, one of whose Representatives I am, find their way to market by the Mississippi. For this reason I feel particularly interested in this part of the subject. The great law of self-preservation, which is equally binding on individuals and nations, commands us, if we cannot obtain possession of this island ourselves, not to suffer it to pass from Spain, under whose dominion it will be harmless, and yet our government have never even protested against its invasion by Mexico and Colombia.

There is still another view of the subject in relation to this island, which demands particular attention. Let us for a moment look at the spectacle which it will probably present in case Mexico and Colombia should attempt to revolutionize it. Have they not always marched under the standard of universal emancipation? Have they not always conquered by proclaiming liberty to the slave? In the present condition of this island what shall be the probable consequence? A servile war, which in every age has been the most barbarous and destructive, and which spares neither age nor sex. Revenge, urged on by cruelty and ignorance, would desolate the land. The dreadful scenes of St. Domingo would again be presented to our view, and would again be acted almost within sight of our own shores. Cuba would be a vast magazine in the vicinity of the Southern States, whose explosion would be dangerous to their tranquillity and peace.

Permit me here, for a moment, to speak upon a subject to which I have never before adverted upon this floor, and to which, I trust, I may never again have occasion to advert. I mean the subject of slavery. I believe it to be a great political and a great moral evil. I thank God, my lot has been cast in a State where it does not exist. But, while I entertain these opinions, I know it is an evil at present without a remedy. It has been a curse entailed upon us by that nation which now makes it a subject of reproach to our institutions. It is, however, one of those moral evils, from which it is impossible for us to escape, without the introduction of evils infinitely greater. There are portions of this Union, in which, if you emancipate your slaves, they will become masters. There can be no middle course. Is there any man in this Union who could, for a moment, indulge in the hor-

rible idea of abolishing slavery by the massacre of the high-minded, and the chivalrous race of men in the South. I trust there is not one. For my own part I would, without hesitation, buckle on my knapsack, and march in company with my friend from Massachusetts [Mr. Everett] in defence of their cause.

I am willing to consider slavery as a question entirely domestic, and leave it to those States in which it exists. The Constitution of the United States shall be my rule of conduct upon this subject. I have good reason to believe, that the honest, but mistaken attempts of philanthropists, have done much injury to the slaves themselves. These attempts generally reach the ears of the slave, and whilst they inspire him with false hopes of liberty, and thus make him disobedient, and discontented with his condition, they compel the master to use more severity, than would otherwise have been necessary.

I think I have shown we are deeply interested in every thing which regards the fate of Cuba. I do, therefore, most sincerely rejoice, that the President has recently changed his policy concerning that island. He has, at length, come forward like a statesman, and with true magnanimity has corrected those errors into which he had previously fallen. In his late message to the House, we hear no more of requesting Colombia and Mexico to suspend their invasion, till the pleasure of Spain can be known; but he has told us distinctly, that, at the Congress of Panama, "all our efforts in reference to this interest will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants." This declaration is the strongest argument that could be urged, to my mind, in favor of the mission.

Upon a review of the whole matter, let us inquire what will be the situation of our Ministers to Panama, if the amendments before the committee should not be adopted, and they shall pursue that course which the friends of the Administration assure us they will be instructed to pursue. Let us fancy to ourselves the spectacle which must there be presented. Let us suppose the first subject for the deliberation of the Congress to be the invasion of Cuba. Upon this occasion, the Representatives of the Southern Republics might, with propriety, address our Ministers in the following language: Your Cabinet have justified our invasion of Cuba, in a despatch which they presented to the Russian Government and communicated to us: they asked, that the invasion might be suspended, until it could be ascertained

whether Spain would acknowledge our independence; we have complied with their request, and we now know, from unquestionable authority, that Spain still continues obstinate; we wish immediately to invade that island, and trust, if you have not determined to assist us in the contest, that you will, at least, accompany us with your sympathy and good wishes. What will be the only answer which our Ministers can give to such a request? They must say, we cannot deny the truth of your assertions; but the Cabinet of Washington have recently determined to change their policy in regard to this island. The President, in a late message to the House of Representatives, has expressed his determination that all our efforts shall be exerted to preserve this island under the dominion of Spain; and we can never consent that you shall set a hostile foot upon it. Will not this change of policy at once produce disappointment and jealousy towards us, among the Southern Republics? Ought not the President to desire a resolution of this House to justify his intended course, in relation to this island, at the Congress of Panama?

Let us now suppose that the next subject which will occupy the attention of the Congress may be a concert or alliance between us and the Southern Republics, for the purpose of preventing the hostile interference of any European Power against their independence, and against the colonization of any part of this continent. These were the two principal subjects which they expected our Ministers to discuss at Panama. They have so stated in their invitation, and our Secretary of State has accepted it in the most general terms. He has informed them that our Ministers should be fully instructed upon every question likely to arise, except such as might interfere with our present neutrality. In addition to this promise, our Minister to Mexico has declared to them, that the United States stood pledged to resist the hostile interference of any European nation against their independence, by war, and, in that event, we should be compelled to bear the brunt of the contest. When our Ministers shall be asked what they have to say upon this subject, they will be compelled to declare, that, touching it, they have no authority to enter into any negotiation or discussion. May not the Southern Republics justly complain, that our Cabinet has made a promise to the ear and broken it to the sense? If our Executive has determined upon this course, as I trust he has, would it not be wise, and politic, and proper, that he should be sustained by the House of Representatives? These amendments would be his best apol-

ogy and best excuse for disappointing the just expectations of the Southern Republics.

On the subject of preventing colonization in America, I have a word to say. Would it not be a most wonderful stipulation for our Government to make, for example, with Chili, that we will not permit our own Territory to be invaded by a foreign nation? And yet, such is the nature of the engagement which the President evidently had in his view.

It would seem that this mission is to be still further diverted from its original purpose. We are told it is to be merely "consultative," and that our Ministers will possess no power, except that of receiving propositions, and transmitting them to the Cabinet at Washington. If all the allegations which have been made be true, they will have nothing to consult about, except the establishment of some new principles of international law. It seems we are about making an attempt to agree with the Southern Republics that "free ships shall make free goods," and that private war upon the ocean shall be abolished. It is also our intention to fix the principles of public law between us relative to blockades.

As to blockades, I deny that there is any room for doubt in the law of nations. In relation to this subject, there is no principle unsettled. It is true, that both England and France, during their late struggle for existence, violated this law. France declared a blockade against the whole island of Great Britain, and Great Britain retaliated by proclaiming the whole coast of France to be in a state of blockade. Neutral commerce suffered; but both these Powers attempted to justify their conduct, not by the law of nations, but by the principles of retaliation and self-defence.

In my opinion, we should not agree to abolish private war upon the ocean. War is, in itself, a great calamity; but, when a nation is obliged to engage in it to defend her rights, it is mercy to carry it on with such vigor as to conquer a speedy peace. If we should ever be compelled to go to war with any one of the Southern nations, all the rest will be bound to enter into the contest against us. It is only by privateering that we shall be able to annoy them along all their coasts, both on the Atlantic and Pacific. From the vast extent of their seaboard, the Navy of England would not be sufficient to operate against them in every quarter. In the event of war, the hardy sons of the North, who have been accustomed to the perils of the sea, would rush

out of their ports in privateers, and do them infinitely more injury than our whole Navy.

If we could abolish privateering throughout the world, at the Congress of Panama, humanity would plead loudly in its favor. That, however, is impossible. Whilst it will continue to exist between us and all other nations, I am unwilling to deprive this country of its most powerful means of annoyance against the Southern Republics.

After all the explanations which have been made, if gentlemen are correct, the powers of our Ministers to Panama will be confined chiefly to two objects. The first to declare our good will towards the Southern Republics, and explain to them the reasons why we can do nothing for them; and the second, to get early and correct information of their proceedings, and communicate it to this Government. This last object is one of great importance. We have good reason to be jealous of this league. Would the Senators and Consuls of Rome have suffered such a Confederacy to be established at the very gates of the city? We should, if possible, dissolve it by peaceable means.

We have ourselves grown great by standing alone, and pursuing an independent policy. This path has conducted us to national happiness and national glory. Let us never abandon it. It is time for us once more to go back to first principles, and declare to the world that the policy of Washington has not grown old. Union at home, and independence of all foreign nations, ought to be our political maxims. Let us do good to all nations, but form entangling alliances with none. These are the principles of the amendments. Should they prevail, the Administration will go to Panama with the confidence of the country, and with a strong vote. This is certainly a matter of consequence, as we should endeavor to present a united front in all our intercourse with foreign nations.

RESOLUTION, APRIL 18 AND 20, 1826,

ON THE PANAMA MISSION, AND REMARKS THEREON.[1]

Mr. Buchanan said, he rose to propose to his friends from Delaware and Virginia, [Mr. McLane and Mr. Rives] a modifi-

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 2, pp. 2368, 2370, 2374, 2376, 2412-2413. This resolution was adopted by a vote of 99 to 95. (Id. 2457.)

cation which would embrace all the important principles contained in both their amendments. He did not suggest this modification because he believed it to be necessary, or because he himself had felt the force of the objections which had been urged against any of the principles which these amendments contained. He would cheerfully vote for them in their present form. Other gentlemen, however, thought it would be best to obviate all difficulties, and to present the subject in such a manner before the committee, that no man could, for one moment, believe the friends of these amendments intended by them to give instructions either to the President or his Ministers; or to do more than express the constitutional opinion of this House, upon a subject of immense importance, which had been brought, in a regular manner, before it for determination. The modification, if adopted, would test the sincerity of those gentlemen who had declared, that their only objection to the amendments now before the committee, was, that they contained an instruction from this House to the Ministers which would be sent to Panama. Mr. Buchanan then read his modification, as follows:

The House, however, in expressing this opinion, do not intend to sanction any departure from the settled policy of this Government, that, in extending our commercial relations with foreign nations, we should have with them as little political connection as possible; and that we should preserve peace, commerce, and friendship, with all nations, and form entangling alliances with none. It is, therefore, the opinion of this House, that the Government of the United States ought not to be represented at the Congress of Panama, except in a diplomatic character, nor ought they to form any alliance, offensive or defensive, or negotiate respecting such an alliance, with all or any of the Spanish American Republics; nor ought they to become parties with them, or either of them, to any joint declaration for the purpose of preventing the interference of any of the European Powers with their independence or form of Government, or to any compact for the purpose of preventing colonization upon the continent of America; but that the People of the United States should be left free to act, in any crisis, in such a manner as their feelings of friendship towards these Republics, and as their own honor and policy may at the time dictate.

Mr. Rives withdrew his amendment, and Mr. McLane accepted Mr. Buchanan's resolution as a substitute for his own.

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Mr. Estill renewed the motion to rise, but withdrew it at the request of

Mr. Buchanan, who said, that he rose again to repeat that every principle contained in the former amendment, is preserved

in this. The very same language is employed, with this only difference, that, as now modified, no gentleman, however fond of inference he might be, could possibly infer from it that this House is desirous of *instructing* either the President or his Ministers. He was not in the least opposed to the committee's now rising, though he did not feel himself warranted in renewing a motion to that effect.

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Mr. Buchanan here explained, and reminded the gentlemen from Maine that he had already expressed his willingness that the committee should rise. He had no desire to hurry any gentleman, or take him by surprise.

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Mr. Buchanan said, he thought it must now appear evident to all that there was no disposition in the friends of the amendment to protract the debate. He thought that its warmest enemies could not now charge that upon them. He asked gentlemen if there was any prospect that a longer time would be occupied on the amendment, as modified, than had already been spent upon it. When his colleague [Mr. Ingham] took his seat, no gentleman had risen to follow him, and the debate was then considered as closed. The modification presented no new principles, but only tended to remove objections. He hoped, therefore, that its friends would oppose the motion to discharge the Committee, and that the House would be left free to take a vote on the amendment in Committee to-morrow.

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Mr. Buchanan said, he was very glad that his friend from Massachusetts [Mr. Everett] had proclaimed to the House and to this country that he did not wish for the introduction of the resolution, but that he had been overruled, and that a resolution had been introduced, contrary to his wishes, which expressed the expediency, and not the constitutionality, of making an appropriation for a Mission to Panama. The House had long been engaged in discussing the expediency, but not the constitutionality of the measure. With the candor which belongs to him, that gentleman now declares that he wishes to lay the resolution on the table, with the express purpose that the House shall give no expression of its opinion on the expediency of the mission. If this course shall be

taken, the declaration of the Committee will be abandoned. If this was the gentleman's wish, he saw no reason why the thing might not take that course. If a majority of the House wished to avoid any expression of opinion on the expediency of the mission, he saw no objection to closing the debate this evening, but he hoped there was no such majority. For himself, he should vote against discharging the Committee, and (should the Committee be discharged) against laying the amendment on the table.

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[April 20.] Mr. Buchanan said, that, so far as he had power over the amendment, it would have afforded him sincere pleasure to accommodate the gentleman from Vermont [Mr. Mallary.] That, however, was impossible, upon the present occasion. If his proposition should prevail, what would then remain of the amendment will be comparatively of little value.

The gentleman from Kentucky [Mr. Trimble] did me no more than justice, when he stated that my amendment had been drawn with much care, and every expression had been deliberately considered. Whilst I was preparing it, I had the declaration of Mr. Monroe continually in view; and was determined not to introduce a single word which might be construed, directly or indirectly, to conflict either with its letter or its spirit. The language of the amendment is precise, and is strictly confined to the expression of an opinion, that we ought not to become parties with the Southern Republics, to any joint declaration. It studiously avoids any condemnation of the message of Mr. Monroe. It does not express an opinion, that the President of the United States should not, under similar circumstances, make a similar declaration to the world. In such an event, however, it ought to be his own individual declaration, upon his own responsibility. These remarks will, I trust, be considered a sufficient answer to the first part of the argument of the gentleman from Maine [Mr. Sprague.]

That gentleman asks, May not the Holy Alliance be upon our borders in a few months, and should we then restrict the Executive? I confess I consider such an event very improbable indeed; but, if it should occur, of what utility could it be to us to become parties to a joint declaration with any nation on earth? In such an emergency, this country would take that firm and independent attitude, which becomes its character. It would defend itself without going abroad to seek for foreign connexions.

But, says the gentleman from Maine, [Mr. Sprague] we are assuming a prerogative over the Executive which does not become us. And has it come to this? Will the Representatives of the People shrink from a free declaration of their opinion, because gentlemen think such a declaration might be construed into a want of confidence in the Executive? Such an argument should never be used on this floor. No gentleman has a right to infer such a want of confidence from this or any other resolution which the House may adopt, within its constitutional power.

The gentleman from Maine admits, that this House has a right to make an abstract declaration of the general course of policy which should be pursued by this Government. An abstract declaration! Sir, such an one never will be made. This House never will, never ought to, discuss and decide mere abstract propositions. If they did, they would be unmindful of their duty. Members were sent here to transact the business of the nation, and they would be without justification, if they should spend their time in maturing and adopting measures which did not bear practically upon the interests of the People. Shall we, then, stand with our arms folded, and declare that we will not act upon this important subject, because it might imply a want of confidence in the President? I trust not. I have that degree of constitutional confidence in the present Executive, which, as a Representative of the People, I ought to feel. I do not profess to have more. The President himself has asked us for our opinion. We now propose to give it to him; but, in doing so, we disclaim any power of instruction. The declaration which I trust we shall make, is in accordance with the established usage of this House, and will amount to nothing more than an expression of its opinion. Thus far we have an unquestionable right to proceed. It would be quite as logical for us to contend, that the President has no right to express an opinion to this House, upon a great political question, as it has been in gentlemen to deny to us the right of expressing our opinion upon the present occasion.

The argument of the gentleman from Maine destroys itself. He admits we may make a general declaration, but we cannot apply it to a particular case. We may lay down the premises, but we cannot draw the conclusion. We may declare that we ought not to unite in a joint declaration with any nation on earth, but yet we cannot apply this declaration to the Southern Republics. I would ask the gentleman, if the power of making a general, does not necessarily include that of making a specific declaration of opinion.

[Mr. Sprague here explained. He said it was of little importance to talk to a deliberative body about its power. He neither admitted nor denied the power of the House to make such a general declaration.]

Mr. B. said, from the explanation, he could not hope to convince the gentleman from Maine, who seemed willing to repose such implicit confidence in the Executive, and yet now professed himself unwilling to admit the power of this House to express any opinion as to the policy proper to be pursued by this country. That gentleman would act with perfect consistency in voting against the whole amendment. But how can gentlemen give such a vote who admit both the power of this House, and the policy of the principles contained in the amendment? Will they abandon the exercise of a clear right, demanded in the present crisis, because it seems to imply a want of confidence in the Executive?

Every attempt to change the true character of the amendment will be vain. The question, and the only question, to be decided by this House, is, Shall the policy of Washington continue to prevail, or, are we now prepared to launch out and adopt new schemes which will naturally lead to entangling alliances with foreign nations? If we shall once abandon that policy, no human foresight can determine to what extent we shall be drawn. In every view which I can take of this subject, I hope the amendment, as modified, will be adopted.

REMARKS, APRIL 24, 1826,

ON THE BILL FOR THE RELIEF OF REVOLUTIONARY OFFICERS.[1]

Mr. Buchanan spoke as follows:

Mr. Chairman: It is with extreme reluctance I rise at this time to address you. I have made no preparation to speak, except that of carefully reading the documents which have been laid upon our tables; but a crisis seems to have arrived in this debate, when the friends of the bill, if ever, must come forward in its support. I do not consider that the claim of the officers of the Revolution rests upon gratitude alone. It is not an appeal to your generosity only; but to your justice. You owe them a debt, in the strictest sense of the word; and of a nature so meritorious, that, if you shall refuse to pay it, the nation will be disgraced. Formerly, when their claim was presented to Congress, we had,

[1] Register of Debates, 19 Cong. 1 Sess. 1825–1826, II., part 2, pp. 2540–2543.

at least, an apology for rejecting it. The country was not then in a condition to discharge this debt, without inconvenience. But now, after forty years have elapsed since its creation, with a Treasury overflowing, and a national debt so diminished, that, with ordinary economy, it must, in a very few years, be discharged, these officers, the relics of that band which achieved your independence, again present themselves before you, and again ask you for justice. They do not ask you to be generous—they do not ask you to be grateful—but they ask you to pay the debt which was the price of your independence. I term it a debt, Sir; and it is one founded upon a most solemn contract, with which these officers have complied, both in its letter and in its spirit; whilst you have violated all its obligations.

Let us spend a few moments in tracing the history of this claim. It arose out of the distresses of the Continental Army, during the Revolutionary war; and the utter inability of the Government, at that time, to relieve them. What, Sir, was the situation of that army, when it lay encamped at the Valley Forge? They were naked, and hungry, and barefoot. Pestilence and Famine stalked abroad throughout the camp. The first blaze of patriotism which had animated the country, and furnished the army with its officers, had begun to die away. These officers perceived that the contest would be long, and bloody, and doubtful. They had felt, by sad experience, that the depreciated pay which they received, so far from enabling them to impart assistance to their wives and children, or hoard up any thing for futurity, was not sufficient to supply their own absolute and immediate wants. Placed in this situation, they were daily sending in their resignations, and abandoning the cause of their country. In this alarming crisis, Washington earnestly recommended to Congress to grant the officers half-pay, to commence after the close of the contest, as the only remedy for these evils, within their power. The country was not then able to remunerate the officers for the immense and unequal sacrifices which they were making in its cause. All that it could then do was to present them a prospect of happier days to come, on which hope might rest. With this view, Congress, in May, 1778, adopted a resolution allowing the officers, who should continue in service until the end of the war, half-pay for seven years. This resolution produced but a partial effect upon the army. The time of its continuance was to be but short; and there were conditions annexed to it, which, in many cases, would have rendered it entirely inoperative.

In August, 1779, Congress again acted upon this subject, and resolved, "That it be recommended to the several States to grant half-pay for life to the officers who should continue in the service to the end of the war." This recommendation was disregarded by every State in the Union, with one exception; and I feel proud that Pennsylvania was that State. She not only granted half-pay for life, to the officers of her own line, but she furnished them with clothing and with provisions. Thus, when the General Government became unable to discharge its duty to her officers and soldiers, she voluntarily interposed and relieved their distresses. Gen. Washington, when urging upon Congress the necessity of granting to the officers half-pay for life, pointed to those of the Pennsylvania line, as an example of the beneficial consequences which had resulted from that measure.

Congress at length became convinced of the necessity of granting to the Continental officers half-pay for life. Without pay and without clothing, they had become disheartened, and were about abandoning the service. The darkest period of the Revolution had arrived, and there was but one ray of hope left, to penetrate the impending gloom which hung over the army. The officers were willing still to endure privations and sufferings, if they could obtain an assurance that they would be remembered by their country, after it should be blessed with peace and independence. They well knew Congress could not relieve their present wants; all, therefore, they asked, was the promise of a future provision. Congress at length, in October, 1780, resolved "that half-pay for life be granted to the officers in the army of the United States, who shall continue in service to the end of the war."

Before the adoption of this resolution, so desperate had been our condition, that even Washington apprehended a dissolution of the army, and had begun to despair of the success of our cause. We have his authority for declaring, that, immediately after its adoption, our prospects brightened; and it produced the most happy effects. The state of the army was instantly changed. The officers became satisfied with their condition, and, under their command, the army marched to victory and independence. They faithfully and patriotically performed every obligation imposed upon them by the solemn contract into which they had entered with their country.

How, Sir, did you perform this contract on your part? No sooner had the dangers of war ceased to threaten our existence—

no sooner had peace returned to bless our shores, than we forgot those benefactors, to whom, under Providence, we owed our independence. We then began to discover that it was contrary to the genius of our Republican institutions to grant pensions for life. The jealousy of the People was roused, and their fears excited. They dreaded the creation of a privileged order. I do not mean to censure them for this feeling of ill directed jealousy, because jealousy is the natural guardian of liberty.

In this emergence, how did the Continental officers act? In such a manner as no other officers of a victorious army had ever acted before. For the purpose of allaying the apprehensions of their fellow-citizens, and complying with the wishes of Congress, they consented to accept five years full pay, in commutation for their half-pay for life. This commutation was to be paid in money, or securities were to be given on interest at six per cent. as Congress should find most convenient.

Did the Government ever perform this their second stipulation to the officers? I answer, no. The gentleman from Tennessee [Mr. Mitchell] was entirely mistaken in the history of the times, when he asserted that the commutation certificates of the officers enabled them to purchase farms, or commence trade, upon leaving the army. Congress had not any funds to pledge for their redemption. They made requisitions upon the States, which shared the same fate with many others, and were entirely disregarded. The faith and the honor of the country, whilst they were intrusted to thirteen independent and jealous State sovereignties, were almost always forfeited. We then had a General Government which had not the power of enforcing its own edicts. The consequence was, that, when the officers received their certificates, they were not worth more than about one-fifth of their nominal value, and they very soon fell to one-eighth of that amount.

Let gentlemen for a moment realise what must then have been the situation and the feelings of these officers. They had spent their best days in the service of their country. They had endured hardships and privations without an example in history. Destitute of every thing but patriotism, they had lived for years upon the mere promise of Congress. At the call of their country, they had relinquished half-pay for life, and accepted a new promise of five years' full pay. When they confidently expected to receive this recompense, it vanished from their grasp. Instead of money, or securities equal to money, which would have enabled them to

embark with advantage in civil employments, they obtained certificates, which necessity compelled most of them to sell, at the rate of eight for one. The Government proved faithless, but they had, what we have not, the plea of necessity, to justify their conduct.

In 1790, the provision which was made by law for the payment of the public debt, embraced these commutation certificates. They were funded, and the owner of each of them received three certificates; the first, for two-thirds of the original amount, bearing an interest immediately of six per cent.; the second for the remaining third, but without interest for ten years; and the third for the interest which had accumulated, bearing an interest of only three per cent.

What does this bill propose? Not to indemnify the officers of the Revolution for the loss which they sustained in consequence of the inability of the Government, at the close of the war, to comply with its solemn contract. Not, after the lapse of more than forty years, to place them in the situation in which they would have been placed had the Government been able to do them justice. It proposes to allow them even less than the difference between what the owners of the commutation certificates received under the funding system, and what these certificates, when funded, were worth upon their face. My colleague [Mr. Hemphill] has clearly shown, by a fair calculation, that the allowance will fall considerably short of this difference. If the question now before the committee were to be decided by the People of the United States, instead of their Representatives, could any man, for a moment, doubt what would be their determination?

I hope, said Mr. B. my friend from Massachusetts [Mr. Dwight] will not urge the amendment he has proposed. Judging from past experience, I fear, if it should prevail, the bill will be defeated. Let other classes of persons, who think themselves entitled to the bounty of their country, present their claims to this House, and they will then be fully and fairly investigated. The surviving officers of the Revolution have already pursued this course. Their case has been thoroughly examined by a committee, who have reported in its favor; and all the information necessary to enable us to decide correctly, is now in our possession. I trust, therefore, their claim will be permitted to rest upon its own foundation. They are now old, and, for the most part, in poverty; it is necessary, therefore, if we act at all, that we should act speedily, and do them justice without delay. In my opinion, they

have a better claim to receive what this bill contemplates giving them, than any of us have to our eight dollars per day.

In this case, gentlemen need apprehend no danger from the precedent. We shall never have another Revolutionary war for independence. We have no reason to apprehend we shall ever again be unable to pay our just debts. Even if that should again be our unfortunate condition, we shall never have another army so patient and so devoted as to sacrifice every selfish consideration for the glory, the happiness, and the independence, of their country.

I shall vote against the proposed amendment, because I will do no act which may have a tendency to defeat this bill.

TO GENERAL JACKSON.[1]

LANCASTER 21 Sep. 1826.

DEAR GENERAL/

Although I have nothing of importance to communicate, yet I feel disposed occasionally to trespass upon your time & indulge myself in the pleasure of writing to you.

We are for once in a political calm in this State. Mr. Shulze will be re-elected Governor without opposition & upon the Presidential question there is not out of the City of Philadelphia a sufficient division in public sentiment to disturb our repose. In the large, wealthy & populous County in which I reside containing more than 70,000 people I feel confident Mr. Adams could not poll 500 votes.

There was a most artful & powerful effort made against you in this State during the last Spring. They did not dare to attack you personally; but levelled all their artillery against Mr. Calhoun, Mr. Randolph, Mr. M'Duffie &c. but principally against the former & they endeavored to make you answerable for his political offences as presiding Officer of the Senate. They have succeeded to a considerable extent in injuring the popularity of Mr. Calhoun; but their arrows have fallen harmless at your feet. Your popularity throughout the State of Pennsylvania is fixed upon sure foundations which your enemies have not nor ever will be able to shake.

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[1] Buchanan Papers, Historical Society of Pennsylvania.

Our Society in this City has had a most agreeable addition in Mr. Cheves & his family. He has purchased a farm within a mile of Lancaster & has taken up his residence amongst us with an intention as he says of laying his bones here. His sterling good sense & his agreeable manners have already made him a great favorite. Although he has been & still I believe is upon terms of personal friendship with Mr. Clay yet he disapproves highly of his recent political course—& does not hesitate upon all proper occasions to express his opinion.

Our season in this part of the world has been dry & in consequence the crops have not been so abundant as usual. There are many cases of sickness throughout our Country but not many deaths. For several years past the Cities & large Towns in the Eastern portion of this State have been much more healthy than the Surrounding Country.

I have spent a busy summer. The change from law to politics—& from Politicks to law—makes both pursuits very laborious. A man cannot do himself justice at either. Instead of preparing in the summer for winter I have often scarcely had time to read the common news of the day. Nothing but a belief, that it would have been deserting my post in the hour of danger, could have induced me again to become a candidate for Congress.

J. Buchanan.

FROM DUFF GREEN.[1]

Washington City 12th Oct. 1826.

Dear Sir

You will discover from the Journal & Telegraph that Mr. Clay & myself are at issue. The part taken by you on the occasion referred to, is known to me; and a due regard to your feelings has heretofore restrained me from using your name before the public. The time however is now approaching when it will become the duty of every man to do all in his power to expose the bargain which placed the Coalition in power. Will you, upon the receipt of this, write to me and explain the causes which induced you to see Genl. Jackson upon the subject of the vote of Mr. Clay & his friend a few days before it was known that they had conclusively determined to vote for Mr. Adams; also advise me of the manner in which you would prefer that subject to be brought before the people.

Yours sincerely

D. Green.

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[1] Buchanan Papers, Historical Society of Pennsylvania.

FROM GENERAL JACKSON.[1]

HERMITAGE, Oct. 15, 1826.

MY DEAR SIR:

I was very much gratified on the receipt of your letter of the 21st ult., which reached me yesterday, and thank you for the information it contains. I want language to express the gratitude I feel for the unsolicited, but generous support of the great Republican State of Pennsylvania—did I lack a stimulus to exert all my faculties to promote the best interests of my country, this alone would be sufficient. Who could abandon the path of Republican virtue when thus supported by the voluntary approbation of the enlightened and virtuous citizens of such a State as Pennsylvania? I answer, none whose minds have been matured in the schools of virtue, religion and morality.

I am happy to learn that Mr. Cheves has become your neighbor and a citizen—he is a great blessing to any society—he has a well-stored mind of useful information, which he will employ to the benefit of his country and the happiness of the society to which he belongs. Please present me to him respectfully.

I regret to learn that the drought has visited your section of country, and your crops are not abundant; still, so long as we have a supply of breadstuffs and other substantials, we ought to be thankful and happy. When we contrast our situation with Ireland and England, we ought to view ourselves as the chosen people of God, who has given us such a happy government of laws and placed us in such a climate and fertile soil. We ought not only to be thankful, but we ought to cherish and foster this heavenly boon with vestal vigilance.

Mrs. J. joins me in kind salutations and respects to you.

I am, very respectfully, your friend,

ANDREW JACKSON.

TO DUFF GREEN.[2]

LANCASTER 16th October 1826.

DEAR SIR,

I confess I was somewhat surprised upon reading yours of the 12th Instant. My time since the adjournment of Congress has been so much occupied by professional and private business, and I have been so much absent from home, that I have bestowed but little attention upon the Newspapers. I have not seen a single

[1] Curtis's Buchanan, I. 48.

[2] Jackson MSS., Library of Congress. The draft of this letter is among the Buchanan Papers in the Historical Society of Pennsylvania. An extract from the letter is printed in Niles' Weekly Register, Sept. 8, 1827; and in Colton's Life and Times of Henry Clay, I. 358.

number of the National Journal since I left Washington, and have only read the Telegraph occasionally when one of my friends who takes it, thought there was any thing remarkable in it and brought it to me for perusal. I requested you to have it forwarded to me and you mentioned you would send it with a subscription paper; but neither the one nor the other has ever arrived. I am therefore ignorant of the precise point on which Mr. Clay and yourself are at issue.

You request me to write to you and explain the causes which induced me to see General Jackson, upon the subject of the vote of Mr. Clay and his friends, a few days before it was known that they had conclusively determined to vote for Mr. Adams; and also advise you of the manner in which I would prefer that subject to be brought before the people. You also allege that the part taken by me on the occasion referred to is known to you.

At this distance of time, I could not if I would, explain to you all the causes which induced me to hold, the only conversation which I ever held with General Jackson, on the subject of the Presidential election. It will be sufficient, however for your purpose to know, that I had no authority from Mr. Clay or his friends to propose any terms to General Jackson, in relation to their votes, nor did I make any such proposition. I trust I would be as incapable of becoming a messenger upon such an occasion, as it is known General Jackson would be to receive such a message.

I repeated the substance of this conversation to a few friends at Washington; one of whom must have communicated it to you. That person whoever he may be is entirely mistaken in supposing, the subject of it to have been what you allege in your letter. I must therefore protest against bringing that conversation before the people, through the medium of the Telegraph or any other Newspaper.

The facts are before the world that Mr. Clay and his particular friends made Mr. Adams President; and that Mr. Adams immediately thereafter made Mr. Clay Secretary of State. The people will draw their own inferences from such conduct and from the circumstances connected with it. They will judge of the cause from the effects. I am clearly of opinion that whoever shall attempt to prove by direct evidence any corrupt bargain between Mr. C. and Mr. A. will fail; for if it existed, the parties to it will forever conceal it from the light. Conversations partly in jest, and perhaps partly in earnest between members of Congress

upon terms of intimacy may be exhibited to the public; but they will have no other effect, than to injure the party who may violate the sanctuary of private friendship and betray that confidence without which society could hardly exist. General Jackson requires not such aid.

from your friend

JAMES BUCHANAN.

GENERAL D. GREEN.

REMARKS, DECEMBER 11, 1826,

ON A PROPOSED GRANT OF LAND TO CERTAIN ASYLUMS FOR THE DEAF AND DUMB.[1]

Mr. Buchanan thought it manifest, from the observations of the gentleman from Vermont, that he had not examined this bill with his usual accuracy. For himself, Mr. B. said, he would never vote to give a corporation land in a Territory, with power to hold it an indefinite length of time: it would be unjust and improper. But no such power is granted by the bill. They must sell the land within five years. They cannot lease it; or, if they do, their lessees will become freeholders in a very short time. The objection, therefore, of the gentleman, did not apply. The simple question before the House is, shall these benevolent corporations be compelled to sell the donation of their Government immediately, at the very first sale of public lands; or, shall they be permitted to manage it for themselves, and sell, as policy may dictate, at any time within five years? If the House intended to make a grant to these schools, on the same terms as they had already done to other Institutions of a similar kind, in other States, they would pass the bill as it stands: but if the lands are to be exposed to a compulsory sale, the inevitable consequence would be, that they must be sacrificed. Every body could tell what was likely to be the fate of a tract of land, set up, with a knowledge, by all parties, that it must be sold within a fixed time, bring what it might; and this in a distant Territory, among persons strangers to the Institutions concerned, and feeling not the least concern or interest about them. They would go to speculators, and would not bring more than the minimum price allowed by law. The bill does not prevent Florida from saying that no land within

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 527.

that Territory shall be held *in mortmain*. These lands must be disposed of in five years; but, if that period is thought too long, let it be curtailed; but do not compel your beneficiaries to sacrifice the gift you bestow.

RESOLUTION, DECEMBER 14, 1826,

CALLING FOR INFORMATION ON THE PANAMA CONGRESS.[1]

In the House of Representatives, Thursday, December 14, 1826, Mr. Buchanan laid the following resolution on the table for consideration, to wit:

1. *Resolved,* That the president of the United States be requested to furnish this house any information in his possession, which, in his opinion, may be communicated without detriment to the public service, concerning the nature of the stipulations contained in the treaty of league and perpetual friendship, and the convention respecting contingents and compact, which were concluded and signed at Panama, on the 15th July last.

2. *Resolved,* That the president of the United States be requested to communicate to this house any information in his possession, relative to the organization, proceedings, and adjournment of the congress lately held at Panama which, in his opinion, may be communicated without detriment to the public interest.

The resolution was agreed to the next day.

1827.

REMARKS, JANUARY 3, 1827,

ON THE IMPORTATION OF BRANDY IN SMALL CASKS.[2]

The engrossed bill to authorize the importation of brandy in casks of a capacity not less than fifteen gallons, and the exportation thereof with benefit of drawback, was read the third time: and the question being, "Shall the bill pass?"

Mr. Buchanan rose, and said, the interests which my constituents have in this bill, and the relation in which I stand towards it, compel me to make a few observations in opposition to its passage.

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[1] Niles' Weekly Register, Dec. 23, 1826, XXI. 263.

[2] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 588–591, 596–597.

Mr. B. said, the gentleman from Maryland [Mr. Barney] has stated the question truly. It is a question between brandy and whiskey—between the commercial and the agricultural interests of the country. Whenever such a question arises in this House, as a Representative more peculiarly of the agricultural interest, I always dread the result. What is the nature of this bill? The laws at present in existence authorize the importation of foreign brandy into the United States in casks of ninety gallons and upwards. They equally authorize its exportation in casks of the same description, to foreign countries, and allow a drawback of the duties in favor of the exporting merchant. Every port in the United States is for this purpose a free port. The merchants are allowed one year for the exportation of every kind of foreign spirits, with the benefit of a drawback of the duties. What, then, is the object of this bill? Merely to allow its importation and exportation, upon the same terms, in casks of fifteen gallons. What is the difference? Consider it as you will, it is only the difference of value in the foreign market, between one cask containing ninety gallons, and six casks containing each fifteen gallons. This can be the only result, if the object of the bill be honest. The gentleman from Maryland, [Mr. Barney,] has, however, informed the House—and I believe his information to be correct—that Mexico has excluded Spanish brandy, and the practice is, to carry the article there without marks, and the People know it by the taste. What, then, becomes of the argument in favor of this bill? We have been told, over and over again, that the Mexicans would not buy the brandy, unless it was imported in the original casks from Spain; and that the casks which contained it must be small, that they might be transported over the mountains on the backs of mules. We are now informed that the article must be taken to Mexico without marks, so that the revenue laws of that sister Republic may be violated, and the article be illegally introduced into consumption. Is this an object worthy of our legislation? The gentleman says they know the article to be genuine by the taste. Then might it not as well, and better, be put into small casks in Mexico than in Spain? Are you determined to pass a law to enable the merchants to evade the revenue laws of Mexico? Are you about to force an article into that country which they have prohibited? If this be not the object, what is it? What can be the reason of the extreme interest felt in this bill? Why has the American mercantile world been put in motion to accomplish a purpose so trifling? The answer is, that

the merchants are a united body—they move in a solid phalanx—they meet daily at their coffee-houses in our large cities—they are represented by Chambers of Commerce, and whenever they act, they act with concert. Every thing which regards them is magnified into importance, and they are successful in this House in almost every cause in which they embark. On the other hand, the farmers, upon whom this bill must and will operate injuriously, are scattered over an immense extent of country, and rarely act in concert, unless upon great occasions. They generously confide their interests to their Representatives and to Heaven. The Representatives of the merchants upon this floor are always united and alive to the commercial interest. We have already heard upon this subject the Representatives of all the large commercial cities of the Union, except New Orleans; and, said Mr. B. that gentleman is at this moment taking notes, and preparing to speak. The real question for our consideration then, is, Would not the trifling advantage which this bill proposes in favor of the merchants be purchased at too high a price? Would not the injury to the revenue, and to the agricultural interest, far more than counterbalance it? Mr. B. said he would make a few remarks on each of these topics. Then, as to the revenue, when the first law was passed upon this subject, in 1790, spirits were allowed to be imported in casks of any capacity. Nine years experience taught us the necessity of limiting the importation to casks containing at least ninety gallons. Such is the existing law of 1799. Would this alteration have ever been made, if experience had not proclaimed its necessity? Would a distinction have been made between brandy and wine, without reason? The truth is, that the danger of smuggling wine is not at all the same as that of smuggling brandy. Those who purchase and drink wine are not generally such people as would buy from a smuggler. The smuggling of spirits has been a business in every country. The experience of England proves that all the guards which can be interposed are not sufficient to prevent it. By this bill you throw wide open the whole coast of the United States to smugglers, and invite them to defraud your revenue, by permitting the importation of small casks of fifteen gallons. Had the amendment of the gentleman from Ohio [Mr. Wright] prevailed, this objection would, in a considerable degree, have been destroyed. One of the most respectable merchants in the United States has informed me, that Spanish brandy is of a quality entirely unsuited for the consumption of this country—that it is quite white, almost

as strong as aqua fortis, and of a very disagreeable taste. Had permission been granted to import brandy in small casks for the purpose of exportation, and no other, (and this was all the merchants asked,) none would have been imported except what was intended for the South American market. In that case there could have been comparatively but little danger of smuggling; because no person would have used the article after it had been smuggled. This bill, as it now stands, opens our whole sea coast to the introduction of every kind of spirits in small casks, as well for home consumption as for foreign exportation.

In opposition to that amendment, it was asked by the gentlemen from Delaware and Massachusetts, [Mr. McLane and Mr. Webster,] what would become of these small casks of brandy after the year within which they might be exported had expired, if they were not permitted to go into the consumption of the country? I answer, the merchants who placed them in the warehouses would take care to dispose of them within the year. They would either export them or sell them to others who would. Neither is this a new thing in commerce. The warehousing system of Great Britain proceeds upon the same principle. They admit the importation of our flour for export—but do not suffer it to be introduced into home consumption. The gentleman from Massachusetts referred to Great Britain, and the amendment of the gentleman from Ohio [Mr. Wright] proposed nothing but what had been sanctioned by the experience of that country.

What will be the effect of this bill on the agricultural interest? It will necessarily enlist upon the side of Spanish brandy all the skill and enterprise of our merchants in the South American markets, against our domestic article, whiskey. What is the nature of the drawback system, as applied to these articles? We have already established public warehouses, in which every kind of foreign spirits are deposited by the merchants, for the purpose of transporting them to South America. We have granted a drawback of the duties upon their exportation. In truth, these warehouses are magazines, established by ourselves, in which the merchants can deposit immense stores of foreign spirits, to be sent abroad over the world, and to go into competition with our own whiskey. I do not at present propose to curtail this system, though I might do it in this particular with great reason: all I ask is, that it shall not be extended. The merchants ask for still greater facilities; but, in my opinion, here we ought to stop for the present.

I have now in my possession, said Mr. B. a letter from an extensive refiner of domestic spirits in Baltimore, whose high character is well known to the Representative from that city, protesting against the passage of this bill. He says that the merchants at present export to South America whiskey in small casks, to suit those markets, and that it is taking the place of Spanish brandy. Pass this bill, and you at once check that trade. This is not a contest in which the distillers are chiefly interested. For several years the price of flour has been so low as scarcely to repay the labor of the farmer in the cultivation of wheat. The corn and rye of the Middle and Western States would not pay the price of transportation to market, unless it assumed the form of whiskey. Moralists may regret that so much of this article is used; for one, I sincerely do; but if any kind of spirits must be used, it is better to encourage our own farmers than the foreign producers of the article. Whiskey is, in every respect, a better article than the vile truck called Spanish brandy; and if it be made the interest of our merchants to introduce its use in foreign countries, it must soon gain the preference.

This is no time to cripple the farmer. Our direct trade with the British colonies is destroyed. We thus lose one of our best markets for flour. The farmer may again be called upon to agree not to sell his flour to British colonial purchasers, unless their Government will suffer it to be carried in American vessels. If the interest of the country should require this sacrifice, the farmer will again be willing to make it, provided you act upon the principle of Washington, and first place your adversary in the wrong. The merchants ought not, at this time, to wish for so trifling an advantage, when it is calculated so essentially to injure the grain-growing States. If the time should ever come when the mercantile interest shall need support, I shall be found its friend. I know the importance of a commercial marine; I know it is the foundation of our Navy; and I shall always be willing to give it a fair support, unless their demand is, as I believe it to be upon the present occasion, unreasonable and improper.

Mr. B. said he had discharged his duty, he feared without effect. He apprehended, from the great and concentrated force of the mercantile interest in this House, the bill would pass.

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Mr. Buchanan said, he felt himself reluctantly constrained, from the number of speakers who had replied to him, and from

the style of their arguments, again to obtrude himself upon the House. If, said Mr. B. I were compelled to choose a dictator, whose assertion I must take for argument, the gentleman from Louisiana [Mr. Livingston] might be one of the number in this House from whom I would make a selection. He must, however, permit me to represent my own constituents according to my own judgment. He has stated in substance, that I am entirely ignorant of the true interest of the agriculturists whom I represent; and it would be a most important advantage to them to encourage the exportation of Spanish brandy to South America. We must take this upon faith: for certainly he has not attempted to prove it.

[Here Mr. Livingston explained in a complimentary manner to Mr. B. and denied that he intended any such imputation.]

Has the gentleman from Louisiana shown wherein I have been mistaken? No gentleman can shut his eyes against the true state of the case. It is true there has been an endeavor to conceal it under a mass of irrelevant matter. We do not intend to prohibit the exportation of brandy to South America. We ask no change in the existing law; although the competition against our whiskey is already too great. The question is, Shall we make it greater? Shall we injure our farmers still more? Shall we grant an additional bounty in favor of foreign spirits, by permitting the article to be imported and exported in smaller casks than the law at present allows? This change, whilst it will injure the farmers much, cannot be of great importance to the merchants.

Gentlemen have referred to the policy and the practice of the British Government. Although in March, 1825, Mr. Huskisson recommended a reduction of the duties upon the importation into Great Britain of cotton and linen goods to such a standard as would make them protecting instead of prohibitory, yet he had too much regard for the domestic industry of his own country, to allow these foreign manufactures any benefit of drawback upon exportation. He was willing they should come into competition with domestic manufactures in the domestic market; but would not send them into competition in foreign markets with the manufactures of England. We have acted upon the same principle in regard to a few articles. For the purpose of protecting our fisheries—and I admit that this is an interest well worthy of protection—we have denied the benefit of drawback to foreign dried and pickled fish and fish oil. We have also denied it to salted provisions. No foreign articles of this description can be

carried from the United States into foreign markets to interfere with domestic articles of the same description. Why should not this be the case with respect to foreign spirits? But we do not ask it; we only protest against extending the principle of drawback further than it at present exists. It is the policy of this country, I admit, to foster and protect its commerce by every method which shall not directly interfere with its other great interests. They should all move on in harmony. Our navigation ought not to be used for the purpose of destroying either our agriculture or manufactures.

I have a word to say in reply to the gentleman from Massachusetts, [Mr. Everett.] He has asserted that the British are obtaining great advantages over us in the South American markets. In this the gentleman must be mistaken. Mr. B. said, he had looked into the documents as well as the gentleman from New York, [Mr. Wood.] They exhibited a very cheering view in this particular. Our trade with that portion of the world was rapidly increasing. Our exportation to those regions, even of manufactured articles, had already become very considerable. Our manufactures of cotton, particularly those of a coarser quality, were, throughout South America, preferred to British manufactures. Our navigation was also rapidly increasing, and the trade was certainly prosperous. Our exportation of whiskey to those countries is already considerable, and has been increasing. I fear, however, that this bill will have a tendency greatly to injure our trade in that article. This bill will establish a dangerous precedent. I would not be astonished, if it should pass, to hear it argued upon this floor, that it would be of advantage to the growers of hemp in this country to allow the prayer of the petition from Massachusetts, and grant a drawback upon the exportation of cordage manufactured out of foreign hemp; or that, in compliance with another request, from Rhode Island, it would be greatly for the benefit of our wool-growers to reduce the duty upon foreign wool.

The gentleman from Massachusetts, [Mr. Everett] has informed us that, even if the ports of Mexico are closed by law against Spanish brandy, yet still, in fact, it is a common article of commerce in that country. If it be so, it must either be by the fraud or neglect of the custom house officers. The trade is illicit, and we should do no act to render it more extensive. If you do, you combine with our merchants, and assist them still more extensively to carry on a trade prohibited by the policy of a sister Republic.

REMARKS, JANUARY 9, 1827,

ON THE APPOINTMENT OF CHARGÉS D'AFFAIRES.[1]

Mr. Buchanan said, since the gentleman from Tennessee had consented to accept the modification proposed by the gentleman from Massachusetts, he cared very little whether the resolution passed or not. It had become so extensive, that the object of it would be defeated. Mr. B. said he had understood the gentleman from Tennessee to make a distinct charge—if he did not, Mr. B. wished him to say so—that not only had a Minister of the United States abroad appointed a Chargé des Affaires on his leaving the station, (which appointment Mr. B. admitted was necessary and proper,) but that that Chargé, besides receiving the salary attached to that office, during the time he held it, had received an outfit. He knew not whether he was correct in this impression; but, if he was wrong, he hoped the gentleman would correct him. But, if the gentleman had received such information as this, and the information was true, no practice whatever could make it a correct proceeding. Previous practice might justify the appointment of a Chargé des Affaires, and the allowance of a salary to him; but it could never justify an expenditure from the contingent fund for allowing him an outfit, in addition to the salary. This distinct fact had been proposed to be inquired into; but, by the amendment moved by the gentleman from Massachusetts, and accepted by the gentleman from Tennessee, that single point would be smothered under a mass of documents, which, if received within any reasonable time, would be entirely useless. Mr. B. added another remark: If the salary of our Ministers abroad was so low as to make it necessary for them to return to the country, annually, to receive an outfit to enable them to appear in a manner becoming our representatives at foreign Governments, that salary ought to be increased. If it was not so, the practice of changing our Ministers abroad every year, could not be justified. It was a practice which must be essentially injurious to the interests of the country: for, if a negotiation was opened abroad, the Minister often returned before it was completed, leaving the matter unsettled, greatly to the detriment of our interest. Mr. B. concluded by saying, that he had no particular objection to the resolution: but he suggested to the gentleman from Tennessee, whether, clogged as it now was, he had not better abandon the resolution

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 639, 640.

altogether, and on another day bring in a new resolution, confined to the object which he had specially in view.

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Mr. Everett said, that one remark of the gentleman from Pennsylvania was, that the amendment which has been adopted would have the effect to *smother* the object of the mover. Whatever may be the effect of it, [said Mr. E.] such was not my design in moving it.

Mr. Buchanan explained. The gentleman from Massachusetts, he said, was one of the last gentlemen in this House to whom he should ever think of imputing an intention to do any thing unfair.

REMARKS, JANUARY 12, 1827,

ON THE BILL FOR THE RELIEF OF REVOLUTIONARY OFFICERS.[1]

Mr. Buchanan said, it is not my intention to make a Speech upon the present occasion. I wish merely to present some views of the subject, which will occupy the attention of the House but for a few minutes. The friends of this bill ought to know, and ought to feel, that this is the very crisis of its fate; and that, if the motion of the gentleman from South Carolina should prevail, all is lost. The House will then have finally decided against the claim of the relics of the Revolutionary army.

Whatever may have been the intention of the mover of the re-commitment, its effect, its certain effect, will be, to defeat the bill, if it should prove successful. This motion has been supported by the most extraordinary and most inconsistent arguments. Gentlemen opposed to the bill, deny our right to make any such appropriation as it proposes; and, in the very same breath, assert, that they cannot support it, unless its provisions should be made much more extensive, and embrace all the militia who were in service during the Revolutionary War.

Sir, said Mr. B. has it ever been the practice of this Government to provide for the militia? Are they before you, asking for any such provision? The wealth of Crassus would have been as that of a beggar—the riches of Plutus would have been exhausted, in pensioning all the militia who served during the war of Independence. I feel as much gratitude to them for their services, as

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 683–686.

any man. A recollection of their glorious achievements must warm the breast of every patriot. They have given renown to their country; but their occasional service of a few months, does not, cannot, place them upon an equality with the soldiers, who fought, and suffered, and bled, for years, in the sacred cause of liberty. The regular soldier was continually subject to martial law—he was compelled to remain in the service—Summer and Winter—and, as the gentleman from Rhode Island had eloquently said, he had marked the frozen soil of his country with the blood which flowed from his unshod feet.

The States, during the period of the Revolutionary war, were each separate and independent. They were bound together by no tie but that of devotion to the cause in which they were all engaged. The militia were peculiarly the troops of the States—not the Army of the Continent. It had been left to the States to provide for them, whilst this Government provided for the soldiers of the Continental Army. As a Pennsylvanian, said Mr. B. I am proud to declare, that my native State has not only been more liberal and more just, than any State in the Union, towards the regular officers and soldiers of her own line, upon the Continental establishment, but she has also acted in the same manner towards her militia. She has never refused to grant them pensions, if they were in want, and needed the assistance of their country. As one of the Representatives of that State, I claim no provision for the militia. They have claimed none for themselves; they never would claim it for the purpose of depriving the regular soldiers of that pittance to which they are entitled from the justice and the gratitude of their country. By such means, they never would desire the present bill to be defeated.

Among whom is the sum of $1,200,000, appropriated by this bill, to be distributed? There are many surviving officers and soldiers of the Revolution, who are in absolute want, and who yet retain so much of their ancient military pride, that they have never disclosed their distress to the Government. Before they can obtain a pension, they must proclaim to the world they are beggars. This is our law. They must prove they are in extreme want, before they can ask relief; and then it is doled out to them as charity. The sum of 1,200,000 dollars will be distributed among those, and those only, who have never obtained pensions. What will then be the pittance to each? From the best calculation, there are about 5515 such persons now living, and the average portion of each would amount to but little more than two hundred dollars. Does the gentleman from South Carolina really

intend to engraft upon this sum, all the militia from Georgia to Maine, who ever served in the Revolutionary war? all those, who, urged by a patriotic impulse and by impending danger, at any time during our long struggle, took the field, for a few months, to serve their country? This provision, instead of two hundred, would not be twenty dollars, for each man. I am bound to believe, I do believe, it is not the intention of the gentleman from South Carolina to defeat this bill unfairly; but every member of this House must see, that, should the amendment prevail, the boon bestowed will not be worth accepting. Should it succeed, it would afford no relief to the objects of our bounty, unless millions were added to the appropriation. Upon this vote depends the fate of the bill: it cannot pass, if it should be re-committed with the proposed instructions.

Mr. B. said, I will not enter into the constitutional objection to this bill which has been raised by the gentleman from South Carolina, [Mr. Mitchell.] I am myself no very liberal expounder of the Constitution. But a Government which holds the power of war—whose duty it is to defend the country against foreign and domestic foes—without the power of rewarding its own soldiers, is not a Government under whose dominion I should choose to live. Most assuredly such is not the Government of this country.

There is another palpable inconsistency in the arguments of gentlemen. Whilst they deny that we ought to make any provision for the surviving officers embraced by the first section of the bill—and for the widows of those who have departed—they object that the provision is not sufficiently extensive, because it does not also embrace their children and legal representatives. In regard to these officers, I shall admit, for the sake of the argument, and for that only, that we do not owe them a debt, in the strict sense of the word. Although gentlemen have affirmed, that they were bound by the compromise into which they entered; yet no one has asserted, that, by that compromise, they received all to which they were fairly entitled. The terms were dictated by the poverty of the country; they were accepted by the patriotism of the officers. Is there then no distinction, as the gentleman from South Carolina, [Mr. Mitchell,] has contended, between the living officers and the legal representatives of those who are dead? He has asked, why not provide for the children of the dead, in the same manner that you do for the survivors? I shall answer this question. If this claim be what gentlemen contend it is—a claim upon our gratitude, and not upon our justice—

the distinction is clear as light. It is equally contrary to the principles and to the practice of this Government, to extend our bounty to those who did not render services—to make donations to the children for the sake of their fathers. It would establish a dangerous precedent, and one at war with our republican institutions. But do these children ask this bounty at your hands? Are their petitions before you? Has any child of a Revolutionary sire—any man in whose veins the blood of a Revolutionary officer flows—besought you for this boon? Is it, then, from a feeling of kindness to the children, that gentlemen, without solicitation, would bestow the bounty of the Government upon them? Or is it not for the purpose of destroying this bill, and defeating the claims of the aged officers and widows who are now asking you for relief? These children are rich in the fame of their fathers; they are comparatively young, and are able to make their way through life. They never have, and I trust they never will, interpose their claims to defeat those of the surviving officers of the Revolution.

Who are before you asking for relief? They are the remnants of that band who achieved your independence. They are now suffering the evils both of age and of poverty. They have lived so long as to be forgotten; it would seem they have become pilgrims and sojourners in the land. The beautiful and bountiful feast which they have purchased for the American People, with their sufferings and with their blood, is open to all but to them. The few veterans who have survived their generation again ask—what they have hitherto asked in vain—relief from their country. This has never hitherto been granted; nay, more, we have refused to make any direct decision upon their claims. Let us not shrink from meeting the case fairly: let them know their fate.

One word more, as to General Hampton and the other two wealthy officers, whose names have been introducd into this debate. Will the House deny justice to 444 individuals, merely because three of them do not need assistance? Said Mr. B., I have this moment been informed by a gentleman from South Carolina, [Mr. Drayton,] that Gen. Hampton will not be entitled to receive any thing under this bill. He was a State, and not a Continental officer. So far, then, from providing for him, he will gain no benefit from the bill, unless the motion of the gentleman from South Carolina should prevail, and the militia be included; and in that event a pittance may be taken from some poor soldier, and bestowed upon this rich man. I do not intend to trouble

the House further. I shall conclude with a single observation. The friends of the bill cannot help seeing and knowing, that, if it should be re-committed, the hopes of the Revolutionary officers are gone, and they may despair of any future effort for their relief, during the present session.

REMARKS, JANUARY 18, 1827,

ON THE DUTIES ON WOOL AND WOOLLENS.[1]

Mr. Buchanan said, he rose for the purpose of making a motion, the fate of which would decide whether a majority of the House believed it was possible to act finally, during the present session, upon the bill making alterations in the acts imposing duties on imports.

It is now little more than six weeks until the close of the session, and every gentleman can decide for himself, whether there is a prospect, within that period, of doing any thing efficient upon the subject. It is of importance that this question should be speedily decided. Throughout the country, some would entertain hopes, and others fears, respecting the result, which will give birth to ruinous speculations. The public mind should be quieted, as speedily as possible, if there be no reasonable hope that the measure can be finally decided.

Mr. B. said, his opinions upon the subject of the tariff had undergone no change. He was as decidedly friendly as he ever had been to the policy of sustaining our domestic industry, by protecting duties. When the proper time should arrive, he would manifest this friendship in the proper manner. He concluded by moving that the Committee of the Whole on the state of the Union should be discharged from the further consideration of the bill; and, if that motion should succeed, he avowed his intention of moving to lay the bill upon the table.

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Mr. Buchanan, in reply to the remarks of Messrs. Mallary and Mercer, said, I can assure gentlemen, I have no object in view, but to ascertain whether the House believe it to be possible, during the present session, to mature and to pass a bill for the purpose of changing the existing tariff. Can any gentleman in this House recollect, that a tariff bill ever passed during a short

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 747–748, 749.

session, when our time is necessarily limited? In my experience, every such effort has failed. It is a subject which, from its nature, will produce, and ought to produce, an extended debate. We have now but six weeks left, within which we can act upon this subject; there are many other bills of great importance, which, in the mean time, must be decided. In my opinion, if it be not physically, it is morally impossible. The motion which I have made, will ascertain what are the sentiments of the House.

The gentleman from Vermont, [Mr. Mallary,] has said, that the woollen interest alone has complained, by petition, and asked for relief. On this subject, I will remark, as I did some weeks ago, that the agricultural interest, rarely, if ever, complain. Unlike the commercial and manufacturing interests, they have but little opportunity of combination. They trust their cause to their Representatives. As one of their Representatives, I complain for them. The Navy of the United States is at this time supplied with hemp from Russia, whilst that produced in the State of Pennsylvania, is without a market, although when water-rotted, it is equal to the best Russia hemp. Although I feel friendly to the protection of the woollen manufacture, can I ever, as a Representative of that State, agree to protect this interest, which chiefly exists in another portion of the Union, and leave the article of hemp unprotected? The price of grain has, for several years, been so low, as scarcely to afford the farmer who raises it, a bare subsistence. Shall it not also be protected by an increased duty on the importation of foreign spirits? The truth is, a new tariff always has been, always must be, a matter of compromise. The great interests of the country must proceed hand in hand. It would be unjust to separate them. I cannot, therefore, at this time, consent to any tariff which will protect the woollen manufacture, and that alone.

If the House should decide that they will further consider the subject, during the present session, I shall prepare and offer amendments embracing these objects.

I have always been, and believe I ever shall be, the decided friend of domestic manufactures. The duties, however, which we impose, should be protecting merely, not prohibitory. They should only enable the domestic manufacturer to sustain a fair competition in the domestic market. Such duties produce their effect gradually, not suddenly. The increase of price is so trifling, as scarcely to be felt by the consumer. But, establish a duty which will at once be prohibitory on woollen manufactures, on

articles essential to the comfort of your farmers, and all other classes of your People; suddenly increase their price in such a manner, as to be severely felt, and to destroy a principal source of your revenue; and there will be danger of a re-action destructive to domestic manufactures. The present bill, in my opinion, goes too far. If it should be taken up for consideration, I shall endeavor to have it amended in this, and in other respects, and if I should be successful, it shall then have my cordial support. The discussion of it at the present period of the session, appears to me to be a useless waste of precious time.

REMARKS, JANUARY 22, 1827,

ON THE DUTIES ON WOOL AND WOOLLENS.[1]

Mr. Buchanan said, I should have waived the privilege which is usually extended by the courtesy of the House to the mover of a proposition, of closing the debate, if it were not for a single circumstance. I did not hear the remark of my friend from Virginia [Mr. Mercer] on Thursday last, which imputed ignorance of his duty to a former Chairman of the Committee of Domestic Manufactures, who was a member of this House from the State which I have, in part, the honor to represent. For what cause has this charge been made against that gentleman? It is not because he was ignorant either of our foreign or our domestic trade: not because he was unacquainted with the countries from which foreign iron was imported, and its cost, both to the foreign and to the domestic manufacturer; but simply because he had forgotten, or, perhaps, never had known, the name of an obscure town in Wales, from which that article was imported. I must confess I do not remember the name myself. The gentlemen around me now inform me it is Cardiff. The truth is, that gentleman had enjoyed singular good fortune during the short period which he remained in Congress; but not better than he deserved. To him, more than to any other individual in this nation, are we indebted for the tariff of 1824—a tariff which has been so mild and so gradual in its operation, as not to have burdened the community, and yet so powerful as to have generally afforded efficient protection to our domestic industry. It was a tariff of protection, not of prohibition. That gentleman had labored upon it incessantly for the whole of two sessions; and yet

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 779–780.

we are now called upon, during the few remaining weeks of this session, to mature, to pass a new bill upon this subject. Gentlemen, although they have not directly charged me with inconsistency, yet such a charge is fairly to be implied from their remarks. Can any person really believe that, because I supported protection in 1824, I am bound to advocate prohibition in 1827? Did my course then, compel me now, in order to be consistent, to vote for any crude and undigested measure which may be proposed, merely because it is called a tariff? Certainly not. This bill, should it become a law, will effectually prohibit the importation of nearly all the woollen goods in common use, whose value, at the place of exportation, shall not exceed three dollars and fifty cents per yard. It embraces peculiarly within its grasp, those articles worn by the poor and middle classes of society. Its provisions extend far beyond the request of the woollen manufacturers. They have not alleged that the duty of thirty-three and one-third per cent. was insufficient for their protection; but they complain, and I believe with justice, that British manufacfacturers and British agents fraudulently evade the payment of this duty. What, then, is the proper remedy? A measure which would prevent the fraud, and give fair effect to the tariff of 1824. Instead of that, we are now presented with a bill which closes the door altogether against foreign competition. This is the application of salivation and blistering to cure the headache. The remedy is entirely too violent for the disease. If the bill had proposed a moderate minimum, and had made a small addition to the ad valorem duty, it should have received my support. In its present shape, however, I could not vote for it, even if it embraced a provision to impose additional duties on the importation of foreign spirits and of hemp. Sir, said Mr. B., I wish to put the question seriously to every member within the sound of my voice, whether they believe it possible to mature and to pass a proper bill upon the subject during the present session? If the House should make the attempt, I feel positive that my course will be proved to be correct. After wasting much precious time in the discussion, and after dividing the friends of domestic manufactures themselves, the bill will eventually be postponed until the next session. I am sorry that I am compelled to make these observations, but self-preservation is the first law of nature. As a Representative of Pennsylvania, as a friend to the tariff, and feeling a deep interest in its popularity, I can never look on with indifference at the passage of a bill which will at once prohibit

the importation of foreign woollens; much less can I do so when that bill contains no provisions calculated to protect the suffering domestic industry of my own State.

FROM GENERAL JACKSON.[1]

HERMITAGE Janry 29th 1827.

DR SIR

Your favour of the 19th has been before me for some time, but observing in the papers the obituary notice of your brother whose illness took you from the city, I have delayed acknowledging its receipt until advised of your return. I pray you to accept my sincere condolence for the serious loss you have sustained in the death of your brother.

I suspect the administration begins to perceive the necessity of public confidence, without which it is an arduous undertaking to execute the solemn duties confided by the constitution to the chief magistrate. The Panama "*bubble*" & the loss of the trade with the British West Indies are the result of this defect in the Cabinet, for it cannot be supposed that such reputed diplomatists would have committed errors so obvious had not some influence stronger than the public good operated upon their minds. My hope, however, is, that the wisdom of Congress may remedy these blunders, and that my friends the "*factious opposition,*" may in your own language never forget the support due to the country. I had predicted from the movements of Seargeant and Rochester that the Panama subject was done with, and that the charge of *factious opposition* would be hushed, but it appears I was mistaken. Tecubaya is to be the Theatre on which these mighty projects are to be unfolded—alas, what folly and weakness.

Present me to my friend Mr. Kremer & believe me very respectfully

Yr. mo. obdt. servt.

ANDREW JACKSON.

REMARKS, JANUARY 31, 1827,

ON A PROPOSED RESOLUTION OF INQUIRY AS TO A POSSIBLE RESIDUUM OF THE INDEMNITY FOR SLAVES UNLAWFULLY CARRIED AWAY.[2]

Mr. Buchanan said, that it was considered a usual act of courtesy, in that House, to pass every resolution whose object

[1] Buchanan Papers, Historical Society of Pennsylvania. The letter is imperfectly printed in Curtis's Buchanan, I. 49.

[2] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 879–880. The indemnity above referred to is that which was paid by Great Britain under the convention of November 13, 1826, as compensation for slaves carried away from the United States by the British forces in violation of the treaty of Ghent. See Moore's History and Digest of International Arbitrations, I. 350, 381.

was a simple inquiry. Yet he felt himself unable to approve of that now offered. The House is already inundated with a press of business, which it will scarcely be able to get through with. A resolution is now offered, which says, in substance, that the Committee on Foreign Relations shall now make provision for the distribution of a certain residuum of money among a meritorious class of persons, the very existence of which residuum cannot be ascertained for two years to come. The bill, to which the resolution refers, allows to the Commissioners, who are to be appointed under it, two years, for ascertaining whether any such residuum would be left, nor can it be ascertained within less time; yet the gentleman is so very provident, that he would set the committee to inquiring about the manner in which it is to be distributed so long before. In his judgment, there was no probability that any such balance would be left at all. And where was the necessity of occupying the time of one of the committees of this House with an inquiry about it so long beforehand? If the gentleman would direct his resolution to the Secretary of State, and so modify it as to call for the acts or opinions of the Commissioners under the treaty of Ghent, he might readily become satisfied, that there was no such probability. The resolution, in its present form, appeared to him to be very unnecessary; but, as it proposed a mere inquiry, he should not oppose its passage.

REMARKS, FEBRUARY 6, 1827,

ON THE REFERENCE OF MEMORIALS IN BEHALF OF A POLAR EXPEDITION.[1]

Mr. Buchanan said, he had not risen for the purpose of expressing any opinion with respect to the truth or falsehood of the speculations in these memorials. But the peculiar situation in which he stood toward some of the memorialists, rendered it proper for him to say a word on the subject. Some of the memorials were presented by men of as great respectability in the community, of as cool heads, and as far removed from any thing like enthusiasm, or credulity, as any that could be found. They recommend not an expedition to Symmes' hole, (if there was such a place,) but an expedition of discovery in the high latitudes of both hemispheres. That was the subject of the prayer of

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 949.

these petitioners—a subject entirely distinct from the peculiarities of any hypothesis. He hoped it would be referred to the Committee on Naval Affairs—as, should any expedition be determined on, that would be the appropriate Committee through which the report ought to come. The Legislature of Maryland was among the petitioners on this subject. They had unanimously recommended the subject to the attention of Congress—other petitions came from various parts of the United States. He thought it was due to the character and standing of these memorialists, that proper attention should be paid to their application. For himself, he professed to have formed no opinion on the subject of Symmes' Theory. There might be a hole at the poles for aught he knew; but however that might be, the expedition recommended was not for the purpose of finding it.

REMARKS, FEBRUARY 7, 1827,

ON THE DUTIES ON WOOL AND WOOLLENS.[1]

Mr. Buchanan said, he did not rise to prevent the question from being taken upon the bill, that night. But, said Mr. B. if I could silently suffer it to pass, in its present shape, I should feel myself faithless to the high trust which has been reposed in me, as one of the Representatives of Pennsylvania.

Sir, said Mr. B. if this bill had been confined to protection merely, I should have voted for it, even if I had believed that protection to be too great. No slight difference of opinion should have separated me from the friends of this bill. Under a system of protection, the woollen manufacture of my own State, yet in its infancy, would have gradually risen into importance. It would have taken deep root in our soil, and its growth would have been firm and steady. The wool-grower might then, by gradually extending his flocks, have kept pace with the manufacturer, and have supplied him with the raw material. Agriculture and manufactures would thus have been united, and would have sustained each other.

But what will be the case under the system now proposed? A system of prohibition in favor of the manufacturer; whilst it leaves the wool-grower with but little additional protection, and that little long deferred. Viewing the consequences which must

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 997–1000.

necessarily result from this measure, and the spot which gave it birth, I believe it to be a mere Boston and Salem bill—a bill calculated to give the woollen manufacturers of a small District in New England, a monopoly of the market of the whole Union. If it should become a law, Pennsylvania will need a tariff against New England, as much as the United States now need a tariff against Old England.

It has been said that 40,000,000 dollars of capital have been invested in the woollen manufacture. Where? Is it spread over the regions of the West? or in the Middle States? Certainly not. But a small portion of this capital, comparatively speaking, exists out of New England. Even there, the greater part of it is confined within a narrow space. Much of the immense capital of Boston and Salem has been diverted from commerce to the woollen manufacture. This branch of business is not there conducted by individuals, but large masses of wealth are concentrated, and applied to that purpose, by incorporated companies. In this state of the manufacture, prohibit, at once, the importation of foreign woollens, and what is the inevitable consequence? In the East, they are already in possession of the capital. They already have large incorporated companies in successful operation. They can, at once, extend their machinery, to meet the increased demand arising from prohibition; and, in this manner, they can, and they will swallow up the woollen manufactures throughout the rest of the Union. We are not yet prepared to contend against them. Our woollen manufacturers cannot sustain such a competition. The skill and the capital of individuals in the Middle States, if this bill should become a law, must, and will be overwhelmed by the superior skill and superior capital of the Eastern manufacturing companies. Are you prepared to establish an Eastern monopoly? I trust the House will pause, and consider this matter. Is it not much better to increase the rate of the present ad valorem duty, and thus give additional protection to our manufactures, than to be hurried into a prohibitory system, for which we are not prepared?—a system, too, so unjust, and so unequal in its operation, that, whilst it will levy an oppressive tax from the pockets of the poor, leaves the law as it now is, in regard to the rich. The principle of this bill, if principle it can be called, is, the lower the price between each of the minimums, the higher the ad valorem duty. The man whose coat costs four dollars the square yard, and upwards, will pay no additional tax. Thus you oppress the poor man, in pro-

portion to his poverty, whilst you shield the wealthy from the operation of the law.

Sir, said Mr. B. I feel sorry that I have been compelled, by a sense of duty, to speak as I have done, of the present bill. Its extraordinary nature must be my apology. Our former tariffs have been based upon broad principles of national policy. They have extended the blessings, as well as the burdens of the system, over the whole country. Every interest susceptible of protection, which was in a suffering condition, has been protected by them. In truth, our former tariffs have been a compromise among the various and extended interests of the Union. Such, in my opinion, should ever be the case. But what is the nature of this bill? It embraces a single article of manufactures, and seeks to establish a local monopoly in New England, in favor of the manufacturers of that article. Its friends have manifested no fellow feeling for other suffering interests of the country. My constituents are essentially agricultural. For several years, the price of grain has been so low, as scarcely to afford the farmer a comfortable subsistence. Although every good man must deplore the excessive use of spirits in which the People of this country indulge; yet, it is the clearest dictate of policy, if the article must be used, that of domestic origin ought to be preferred. In proportion as you substitute the use of whiskey for foreign spirits, in the same proportion do you increase the demand, and the price for the grain of the farmer. The distilling interest is, therefore, one of great importance to the State of Pennsylvania, and one in which she has, and she feels, a deep interest. Under these impressions, I confess I was utterly astonished to find that not one Representative from New England voted for the proposition for the gentleman from Kentucky, [Mr. Wickliffe,] to impose an additional duty on the importation of foreign spirits.

If Pennsylvania be true to herself, she can vindicate her own rights. She has but to will it, and her farmers shall be protected. Without the vote of her Representatives, this bill cannot pass. We have it in our power to impose any reasonable terms which we think proper. If we so determine, our whiskey will be protected. I appeal then to my colleagues; I ask them, will you forego the only opportunity which we may ever have, of encouraging one of the great staples of our State? If this bill should now become a law, can any person cherish the delusive hope, that we may have our staples protected the next year? We shall then have all to ask, and nothing to give. If our farmers must pay

an additional price of 50 per cent. for the woollens which they wear, let them have some equivalent in the increased price of their grain.

It has been contended, that this bill will essentially benefit the agricultural interest; it has even been called an agricultural bill. Should it pass, the wool-growers will soon feel its injurious effects upon them, in the increased importation of foreign wool. But, even if it were beneficial to wool-growers, within a moderate distance of the great Eastern manufactories, could it produce any considerable effect upon our agriculture in the Middle States? Could our Pennsylvania farmers incur the expense of sending their wool to New England, and sustain a competition there with the New England wool-grower? Certainly not. I believe, unless it be the market which the Steubenville manufactory affords to the wool-growers of Western Pennsylvania, but a small quantity of our wool leaves the State. It is an idle, a delusive hope, to expect that it can be transported to the New England manufactories. It is a mere shadow; but it is one which I fear we shall exclusively pursue, instead of obtaining a great, a substantial, and a lasting benefit, which is placed within our grasp.

There is another view of the subject, which demands the attention of this House. We ought never, by any act of legislation, to invade the sinking fund of ten millions per annum, which has been pledged for the payment of the national debt. It should ever remain inviolate. It is holy ground. True policy demands that the national debt should be extinguished as speedily as possible. In these halcyon times of peace, we are too prone to forget that we may be again involved in war; that we may again have to resort to the credit of the nation to sustain its Government. What would be our condition, if we were compelled, in the vindication of the rights or the honor of the country, to enter into the contest encumbered with a large national debt? I leave each gentleman to answer this question for himself. This bill, should it become a law, will cut off about 1,500,000 dollars from our annual revenue. Our Treasury is not now in a condition to bear such a blow. This is a striking point of difference between protection and prohibition. In former tariffs, which have been merely protecting, although the increase of the duty diminished the importation of the foreign article, and thus promoted our domestic manufactures; yet, that portion of foreign articles which still continued to be imported, by paying a higher rate of duty,

has, heretofore, prevented the revenue from sinking. Such cannot be the case, under the operation of the present bill.

Mr. B. again called upon his colleagues to assist him in imposing an additional duty on the importation of foreign spirits. He had expected aid in this attempt from New England, but experience had taught him that was a vain hope. He had believed, from some remarks upon a former day, of the gentleman from Rhode Island, then in his eye, [Mr. Burges] that Pennsylvania would have had his powerful assistance, in protecting her domestic industry. He had declared that he would vote for an additional duty on foreign spirits, and on hemp. Mr. B. said, if he were mistaken, he wished that gentleman would correct him. [Here Mr. Burges observed, that, when the gentleman from Pennsylvania had done, he would then have an opportunity of answering him.] Mr. B. concluded by expressing a hope that the House would either now adjourn, as it was very late, to allow time for reflection, or else negative this bill, and thus constrain its friends to unite with us in protecting other great interests of the country, as well as the manufacture of woollens.

REMARKS, FEBRUARY 9, 1827,

ON THE CONTROVERSY BETWEEN THE UNITED STATES AND GEORGIA.[1]

Mr. Buchanan said, he regretted that the gentleman from Kentucky [Mr. Wickliffe] had withdrawn his motion to lay the message of the President upon the table. He believed much greater importance had been attached to the subject, than fairly belonged to it. In his opinion, it involved no question of civil war—nothing which ought to alarm the imagination of the most timid. He thought the subject should be laid upon the table, or referred to a Committee of the Whole on the state of the Union, where he hoped it might sleep.

Georgia claims all the land within her boundaries, under what has been called the treaty of the Indian Springs. The present Administration of the General Government allege, that the rights of Georgia have been limited by the subsequent Treaty of Washington. That State possesses the unquestionable right of having this question determined before the judicial tribunals of the country. She has sent her surveyors into the Territory in

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 1032–1034.

dispute, for the purpose of surveying the land; and it does not at present occur to me in what other manner the question could have been raised for judicial determination. In this state of the controversy, the President of the United States has certainly pursued the proper course—the course which the constitution and laws of his country clearly prescribed. He has directed the Surveyors of Georgia to be arrested, and to be brought before a judicial tribunal for trial. Upon this trial, the respective claims of the United States and of Georgia will be fully and fairly investigated, and their rights will be determined. This and this only is the question, and the whole question.

Is there a tittle of testimony before this House tending to prove that Georgia will not submit peaceably to the judgment of the court, whatever it may be? It would be doing injustice to that State, for a moment to suppose that she would not yield obedience to the laws of the country. I ask, then, what necessity is there for legislation upon this subject? Can legislation, at present, fairly influence the rights of the parties? The issue is joined between them, and must be decided according to existing laws.

Sir, said Mr. B. although I believe the President has acted with the strictest propriety, in referring this question to the judiciary, yet I must be permitted to say, that, in another particular, I cannot yield him my approbation. He ought not to have prejudged the case, and proclaimed his opinion to this House, and to the country. The law should have been permitted to take its regular course. The opinion of the President ought not to have been cast into the scale, either on the one side, or on the other. That opinion has been decidedly given against the State of Georgia. I do not profess to be a warm admirer of the President, but yet I feel great respect for any opinion which he has deliberately formed. It is entitled to much consideration; and, therefore, it would have been the more proper to have concealed it whilst the cause was depending. [Here Mr. B. read the following extract from the message of the President.]

"It ought not, however, to be disguised, that the act of the Legislature of Georgia, under the construction given to it by the Governor of that State, and the surveys made, or attempted by his authority, beyond the boundary secured by the treaty of Washington, of April last, to the Creek Indians, are in direct violation of the supreme law of this land, set forth in a treaty

which has received all the sanctions provided by the Constitution, which we have been sworn to support and maintain."

Thus the Executive has assumed that the State of Georgia is wrong, which is the very question to be decided. He has determined that Georgia has violated the Constitution and the laws; although this is the very matter which he has submitted to the Judiciary for their decision. He has prejudged the case.

The President, in another part of his message, has held out a threat against Georgia—although the question whether he has acted illegally is still pending and undetermined. [Here Mr. Buchanan read the following extract from the message:]

"In the present instance, it is my duty to say, that, if the Legislative and Executive authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation, even higher than that of human authority, will compel the Executive of the United States to enforce the laws, and fulfil the duties of the nation by all the force committed for that purpose to his charge."

It may be the duty of the Executive thus to act, in case the State of Georgia should persevere, after the determination of her rights has been referred to the Judiciary. Upon this point, I shall not at present express any opinion. But, Sir, was such language of the President conciliatory towards a sister State? Or was it not rather calculated to provoke that State, and produce the very evil which he dreads? I hope Georgia may submit peaceably to the Judicial tribunals of her country. If she should not, she will not receive my support. I trust, also, she will forbear from the expression of those angry feelings, which the occasion is well calculated to excite.

I repeat that the President has my entire approbation, so far as respects the reference of this controversy to the Judiciary. I am sorry it has been referred to any committee in another body. It should have been left exclusively to the courts of justice. For the purpose of preventing the angry discussion which would probably arise upon this subject, Mr. B. said he would move to lay the message upon the table.

The question being taken on this motion, it was decided in the negative.

REMARKS, FEBRUARY 10, 1827,

ON THE DUTIES ON WOOL AND WOOLLENS.[1]

Mr. Buchanan said, when I made the motion now under consideration, it was not my intention to trouble the House with a single remark. It was my sincere wish, that the question should have been immediately taken and decided by yeas and nays. I presume, however, that all who hear me must feel that I am imperatively called upon to reply to the observations which have been made by my colleague, [Mr. Lawrence,] whom I heretofore believed to be my friend. That gentleman has thought proper to attribute to me conduct, of which I believe I never before was suspected. I think I may appeal with confidence to those with whom I have long served upon this floor, whether, upon any occasion, I have attempted to defeat any measure by unfair means. I have always been willing to march up fairly to every question, and to vote and to act as I thought right, and then to leave my judgment to be rejudged by my constituents and my country.

My colleague asks why I did not submit my motion earlier? Although I deny his right to ask me such a question, yet I shall proceed to answer his inquiry. Since I came out of the Chair, I have been always prepared to offer an amendment to this bill, for the purpose of imposing additional duties on the importation of foreign spirits and foreign hemp. I have been constantly waiting for an opportunity of submitting this proposition to the House, at a time when there would be some chance of obtaining a direct decision upon it; but have never been successful until the present occasion. Other amendments have hitherto been in my way, and have precluded me from making the attempt. The previous question has also been interposed, for the purpose of preventing or defeating all amendments.

With what propriety, then, can my colleague, who has him-

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[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 1068–1070, 1080. Mr. Buchanan had moved that the bill making alterations in the tariff acts be recommitted to the committee on domestic manufactures, with instructions so to amend it as to make the duties on the importation of foreign woollen goods and foreign wool commence at the same time; and to make the duties the same on foreign wool whether imported upon the skin or not; also to increase the duty on the importation of foreign spirits not less than ten cents per gallon; and also to increase the duty on the importation of foreign hemp not less than five dollars per ton.

self voted for the previous question, and thus pursued a course calculated to prevent and to defeat every amendment, put such an interrogatory to me? If, by the Rules of the House, in order to accomplish my purpose, I must move to recommit this bill, that necessity has been imposed upon me by the course pursued by my colleague and others, who believe this bill to be perfect in its present form. My colleague ought not to be surprised by this motion: for I long since gave notice that, if the House should determine to consider this bill at the present session, it was my determination to insist that the farmers of Pennsylvania should receive protection, as well as the woollen manufacturers of New England. I distinctly stated, that I would offer an amendment, similar in its nature to the motion which I have now presented; and for a long time, I have had the sections which I intended to propose prepared, and in my desk. In this respect, therefore, I am not liable to the censure of my colleague, or that of any other person.

My colleague has propounded another question to me, still more extraordinary in its character than his first interrogatory. He has asked me, how can any Pennsylvanian oppose this bill? He has said that Pennsylvania has a deep interest in this measure; and that I have abandoned that interest, by submitting my motion. He has also, in effect, declared that no man could obtain, or could preserve the confidence of that State, who should oppose the present bill. Sir, said Mr. B., I feel an attachment as warm, a devotion as ardent, for my native State, as my colleague can feel. I would go as far to maintain either her interest or her honor, as any of her Representatives upon this floor. I have no interest but what is her interest. Whilst I have the honor to stand here before the nation, as one of her Representatives, I shall never be driven from that course which I believe will promote her true welfare and glory, by such threats as my colleague has thought proper to utter. His prophecies have no terrors for me. Whether my course shall be popular at home or not, I know that I have done what, in my conscience, I believed to be my duty. For my vote, I rejoice that I am answerable, not to my colleague, but to my constituents and my State—tribunals, in whose judgment my confidence is unbounded.

My colleague has propounded several interrogatories to me; in my turn, I shall now take the liberty of asking him a few questions. The provision of this bill which found the most favor in my eyes, was the protection which it proposed to extend

to the wool-growers of this country. I ask my colleague if this protection bears any just proportion to that which is afforded to the woollen manufactures? Is it equal, or nearly equal, in degree? Does it commence at the same time? This bill pretends to be a compromise between the growers and manufacturers of wool; but it is clear, that the agriculturists, upon this, as upon all other occasions, have got the worst of the bargain. Whilst the manufacturer, after the first of August next, will be protected by an enormous increase of duty, amounting, in a very great degree, to a prohibition of the importation of foreign woollens, the wool-grower must be content to wait until the first day of June, 1828, when there will be an increase of duty on the importation of foreign wool equal only to two cents per pound, and on the first day of June, 1829, another two cents will be added. This bill will afford the manufacturers an opportunity, between its passage and the first day of June, 1828, of obtaining a sufficient supply of foreign wool, without any increase of duty, to keep them in operation for years. Does any gentleman suppose—can any gentleman expect, that the patriotism of the manufacturers—that their love for the wool-growers of their own country, will prevent them from obtaining a foreign supply? Before this can be believed, the laws which govern human nature must be reversed, and selfish feelings must be eradicated from the human bosom. In the mean time, our wool-growers must suffer the evils which will flow from an immense importation of foreign wool.

But this is not all. Will the wool-grower receive any additional protection, even after the first of June, 1829? Upon this point I entertain serious doubts; and I find that some gentlemen of this House, better acquainted with the subject than myself, are of the same opinion. Under the provisions of this bill, wool upon the skin will continue to be imported at the present rate of duty. Now, sir, although the wool-grower in foreign countries never would kill his flock, merely for the purpose of evading our duties, by sending his wool upon the skin; yet, it is equally certain, that the fleeces of those sheep which are killed for food, will naturally be brought to our markets. By passing this bill we shall establish a discriminating duty in their favor. In this manner, there will be a sufficient quantity of foreign wool imported to create a competition, and to keep down the price of our domestic wool. I think, therefore, that, so far as this bill proposes to protect the wool-grower, it is a mere delusion. I put the question seriously

to my colleague, who represents a wool-growing, not a manufacturing district, how he can justify an opposition to my motion, which proposes to afford something like the same protection to the wool-grower which this bill does to the manufacturer? I reverse his question—and ask him, how he can vote for such a bill?

Sir, said Mr. B., I am the decided friend of a tariff upon broad national principles; but I never can support a bill of this unjust and partial character: a bill which protects the woollen manufacturer of New England, whilst it leaves the agriculture of my own State to perish. Pennsylvania has, beyond comparison, a much greater interest in obtaining an increased duty on foreign spirits and foreign hemp, than on foreign wool and woollens. Upon this subject, however, I shall not repeat the observations which I have made heretofore. I sincerely believe, should my motion prevail, so far from defeating the bill, it will be carried by an increased majority. I confess I felt surprised, both at the style and the manner of my colleague's observations. He is a gentleman for whom I have always felt much respect. If this had not been the case, my reply should have been dictated in a very different spirit. I do not expect my motion will prevail; I know it cannot prevail without the support of my colleagues. I shall be proud, however, to have the opportunity of recording my vote in its favor.

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[Mr. Buchanan here explained. He said that, on the subject of the revenue, he had taken the distinction between protection and prohibition. An increase of duty for the purpose of protection diminished importation, and thus encouraged the domestic manufacturer. It, at the same time, preserved the revenue from sinking, by the higher duties which were levied on the foreign articles still imported. Such would be the effect of a mere increase of duty either on woollens or foreign spirits; but prohibition would produce an effect entirely different.]

REMARKS, FEBRUARY 15, 1827,

ON OUTFITS FOR DIPLOMATIC OFFICERS.[1]

Mr. Buchanan said, he rose chiefly to express his dissent from the doctrine which had been advanced by his friends from

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 1187–1188.

Georgia and Pennsylvania, [Mr. Forsyth and Mr. Ingham.] If he understood those gentlemen correctly, they opposed this appropriation, because an unexpended balance remained of the appropriation of the last year, out of which the President might, at his discretion, give Mr. Poinsett an outfit, under the act of 1810. Sir, said Mr. B. I deny that the President has any such authority under that law.

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Mr. Buchanan said he had yielded the floor to his friend from Georgia, that he might make an explanation, not an argument.

Standing here as a representative of the People, I should feel that I had not discharged my duty, [said Mr. B.] if I were silently to suffer this appropriation to be altogether stricken out of the bill, when I would be among the first to disapprove the conduct of the President, should he allow this outfit without the sanction of Congress. The President has pursued the proper course in coming here to ask for it. I rejoice that he has done so; and the question is now left to be determined by the sound discretion of this House.

The different acts of Congress, which were in force previous to 1810, made no special provision for cases in which the President might, or might not, allow an outfit. They did not prevent him from allowing an outfit to a minister who should be transferred from one court to another. Their language is general. But, sir, what is now the case? I deny that, under the act of 1810, there is the least ground upon which to rest a doubt. The language of that law places doubt at defiance. There is no room for construction. It has expressly limited the power of the President, in the allowance of outfits. They can be allowed only to ministers, *on going from the United States to any foreign country.* Mr. B. here read the following clause from the act of 1810: "Provided it shall be lawful for the President of the United States to allow to a Minister Plenipotentiary, or Chargé des Affaires, on going from the United States to any foreign country, an outfit, which shall, in no case, exceed one year's full salary of such Minister, or Chargé des Affaires."

Thus it clearly appears that Congress have reserved to themselves the decision of all cases, except the allowance of an outfit to a Minister or Chargé, on his leaving this country. Has the President, then, any power to allow Mr. Poinsett an outfit? Certainly not. He has already received one, when he left the United

States. He is now in Mexico, and Tacubaya is distant but nine miles from that city.

I know that the act of 1810 has been violated in several instances; and I know that the present administration ought not alone to be blamed for such violations. They existed before it came into power. I do not care how many precedents have been established against it. It is still the law of the land. Its violation cannot be sanctioned by this House, unless we are willing to place the Executive above the law. The doctrine of precedents, in such cases, is dangerous in the extreme. One precedent begets another. A hard case, having reason for its support, makes the first precedent. It is made the foundation for another and another, until the law is forgotten or disregarded. If we should continue to pursue this course, we shall get fairly on the road to ruin. I feel gratified, therefore, that the President has come forward and asked us for this appropriation. It is but justice to myself that I should say so.

The question then recurs, ought we to allow an outfit? and, if so, how much? I am free to confess, that, in my opinion, Mr. Poinsett should have some additional allowance. His expenses must be increased by his new mission. He must often visit Tacubaya, and he will be obliged to keep up a hospitable intercourse with the Ministers of the different nations who may there be assembled. I would not increase his expenses and his labor, without adding to his compensation. But I cannot agree that he shall have a full outfit. Surely he is not entitled to receive as much for travelling from Mexico to Tacubaya, as he would be for going from the United States to London, to Paris, or to St. Petersburg. The President has no discretion to allow more than 9,000 dollars as an outfit, even in such cases. To allow this amount to Mr. Poinsett, in the case now before us, would be to destroy that just proportion between compensation and service which ought ever to exist. It would be unjust to Mr. Poinsett to allow him nothing; it would be equally unjust to the People of the United States to allow him 9,000 dollars. I am willing to give him half an outfit, and I, therefore, move to strike out 9,000 dollars, and insert 4,500 dollars.

The Speaker informed Mr. Buchanan, that, in the present state of the question, his motion was not in order.

Mr. B. then declared, that if the House should refuse to grant $9,000, he would move to insert $4,500.

REMARKS, FEBRUARY 16, 1827,

ON AN APPROPRIATION FOR THE CONTINUATION OF THE CUMBERLAND ROAD.[1]

Mr. Buchanan said, that, as he intended to vote for this appropriation, he thought it was proper to make known the reasons upon which he should act. He had not voted for the extension of the road to Zanesville, because he thought experience had sufficiently shown that Congress ought not to make a road unless they could provide the means for keeping it in repair; and the moment they attempted this, they introduced a subject of endless contention. For this reason, if the present was a new measure, it should not receive his approbation; but it was begun and in progress, and it was now too late to oppose it. Congress had passed upon the question; the road had been laid out; it was partly completed; bridges had been erected; and to stop at such a point a work commenced under the faith of an act of Congress, was not, in his view, compatible with the dignity or good faith of the Government.

There was one other consideration. The appropriation did not involve any constitutional question—but one, "Whether the United States may, as proprietor, make a road in a State with the consent of that State?" for, in the present case, the consent of Ohio had been obtained. The right to do this, as proprietor, with consent, and the right to erect toll-gates, as a sovereign, without consent, were widely different.

REMARKS, FEBRUARY 20, 1827,

ON INTERNAL IMPROVEMENTS.[2]

Mr. Buchanan said, he rose to state the reasons which would induce him to vote in favor of the appropriation of $30,000 to defray the expense of surveying routes for roads and canals, during the present year. It was not his intention to follow his friend from Virginia [Mr. Rives] through the extensive range of his argument. The late period of the Session, and the mass of important business which yet remained untouched, admonished him not to pursue such a course. Even if he had considered it a proper time to enter extensively into the debate, he should not be

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 1220.

[2] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 1283–1285.

disposed to controvert many of the facts which that gentleman had stated, or the arguments which he had urged. In most of them he entirely concurred.

What, sir, is the nature of the question now presented to the House? In April, 1824, after a long and able discussion, Congress passed the act for the purpose of procuring the necessary surveys, plans, and estimates, upon the subjects of roads and canals. This law gives to the President the power of causing such routes for roads and canals to be surveyed, as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail. The gentleman from Virginia has, in effect, called upon us to repeal this important act, in an appropriation bill, at the very close of the session. Nothing should ever be attempted in such a bill, but to appropriate the money necessary for carrying into effect existing laws. The great principles of our national policy which have received the sanction of Congress in solemn acts of legislation, ought never to be brought into discussion upon the general appropriation bills, which we must annually pass. This is not the proper time. The gentleman might, at an earlier period of the session, have called upon us to repeal, or to modify, the act of 1824. Whilst that act remains upon your statute book, it would be at war with the correct rules of legislation virtually to blot it out, by refusing the appropriation necessary to carry it into effect. In the passage of an appropriation bill, there are but two proper considerations—Do existing laws demand the appropriation? And, if so, what is the amount necessary to give them effect? If the President has abused the discretion vested in him by the act of 1824—if he has violated the high trust which it conferred upon him for the public good, and used it for political purposes—these are powerful reasons why that trust should be withdrawn, and why it should be vested in Congress. Without expressing any opinion at the present time upon the conduct of the Executive, I agree with the gentleman from Virginia, that it is the duty of Congress to specify, by law, the routes which ought to be surveyed. It is a power which properly belongs to them. At the next session, if the gentleman from Virginia and myself should again meet, I shall cheerfully assist him in effecting such a change in the existing law. But, if he should now be successful in his attempt, what will be the effect? Does he propose to designate, in this bill, the routes to be surveyed during the present year? He does not; he cannot. The

inevitable consequence, in case the appropriation should now be stricken out, must be, at once, to paralyze the whole system of internal improvement. I am not prepared, and I trust the House is not prepared, for such a result.

For what purpose have we established a Military Academy at West Point? Is it not that the skill and the science which the graduates of that institution acquire may become beneficial to the country? Several brigades of Topographical Engineers, constituted chiefly of the officers of your Army, have been organized since the passage of the act of 1824, and have been employed in surveying the routes of Roads and Canals. Withdraw this appropriation, and you suspend all their operations. You take many of our officers from an employment highly useful to themselves and to their country; and you doom them either to lounge away their time in idleness, or you send them to drill the soldiers, at what has been called the School of Discipline, at Old Point Comfort.

If the Government of the United States should never expend a single dollar upon the construction of Roads and Canals, still the services of our Engineers would be of immense importance to the country. In this manner, public attention is directed towards the subject of internal improvement. The numerous advantages which our country possesses for the construction of Roads and Canals, are brought fully and fairly into the view of the People. Accurate surveys and accurate estimates of the expense of different routes are furnished. A wide field is thus presented for the enterprise of individuals and of States, and a salutary impulse is given to the great cause of Internal Improvement. In my opinion it would be miserable economy to abandon all these advantages, for the sake of saving thirty thousand dollars.

The gentleman from Virginia complains, with justice, that the great number of surveys which have been already made, and are now making, in different portions of the Union, have excited false hopes among the People. That the present Administration, by holding out the delusive expectation that Roads and Canals would be constructed by the General Government, wherever routes had been surveyed, have attempted to purchase the favor of the People with their own money. If this be the case, the evil will soon cure itself. Such hopes cannot long continue, after the publication of the document which we have lately received from the War Department. That document presents us a list of thirty-five different routes for Roads and Canals, which the Department

has already ordered to be surveyed. We are not furnished with estimates of the expense of their construction; but the number is so great, that, hereafter, the People of this country will never be persuaded to believe the General Government is either able or willing to construct all, or even any considerable number of those Roads and Canals, the routes of which may be surveyed under their authority. We have at present no money to spare for any one of these objects, unless we should determine to violate the sinking fund, and thus postpone the payment of the national debt. Still, however, an extension of these surveys will be highly useful, inasmuch as they will employ the science of our officers in pointing out to the People such works of public improvement as may be advantageously constructed by themselves, and in stimulating them to exertion, by inducing them to undertake their accomplishment, and to depend upon themselves for success.

The gentleman from Virginia has made an observation which I feel myself called upon to notice. He has stated that the survey of the Buffalo road was probably intended to secure the allegiance of Pennsylvania to the present Administration. In my opinion they should stand acquitted of any such purpose. To suppose that such was their intention, would be to suppose them ignorant both of the character and feelings of the people of that State. When was Pennsylvania ever known to be faithless to the cause which she had once espoused? When was she ever known to have abandoned the man in whom she once confided, without any reason to justify her change? To be steady to her purpose has ever been a striking trait in her character. She will continue to be true to her own cause. I cannot, therefore, for a moment, believe, that the present Administration could ever have conceived the idea, that it was possible to purchase Pennsylvania by bestowing upon her such a boon as the survey of a national road from Washington to Buffalo.

REMARKS, FEBRUARY 23, 1827,

ON AN APPROPRIATION FOR FURNISHING AND REPAIRING THE WHITE HOUSE.[1]

Mr. Buchanan said, he was surprised, after being out of the House about an hour, to find an entire change of sides. His

[1] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 1376.

friend from New York, who had usually been on the opposite side, and the two gentlemen from Massachusetts, had changed sides. He hoped he should never give a vote against finishing [1] the palace we have built, worthy of the dignity of the nation; and if he now voted against the 25,000 dollars, it would be in consequence of the arguments of the gentleman from Massachusetts. He did not think the appropriation of 25,000 dollars too much. It could not have been improperly used, because it had not been drawn. He should vote for the proposition of the gentleman from Massachusetts; but if he would withdraw his amendment, he would vote for the 25,000 dollars, not doubting the vote would be sustained by the American People.

REMARKS, FEBRUARY 24, 1827,

ON THE REPAIR OF THE CUMBERLAND ROAD.[2]

Mr. Buchanan observed, that it would, probably, be recollected, he had given notice, on a former occasion, that, when this bill was taken up, he should move an amendment, which went to strike out that part of it which provides for the erection of toll-gates. He had been prevented, by circumstances which were known to the House, from redeeming this pledge. He was ready to do it now, but was requested by gentlemen all around him, not to bring forward his amendment until the bill should have passed through the Committee of the Whole, and should come into the House for discussion. As the present was the last day appropriated for the consideration of private bills, (among which, it seemed, the present bill was to be classed,) and, as from the magnitude of the subject, he had no doubt its discussion would occupy the whole day, he had concluded to yield to the suggestion which was pressed upon him, and would pursue the course that gentlemen requested.

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Mr. Buchanan complained that the gentleman from Virginia had attempted to distinguish the advocates and opponents of the present bill, as the friends and enemies of Internal Improvement;

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[1] So in the Register of Debates, but doubtless is an error for "furnishing."

[2] Register of Debates, 19 Cong. 2 Sess. 1826–1827, III. 1397, 1398, 1399–1400, 1403–1404.

and though he had not expressly asserted that he [Mr. B.] was hostile to those improvements, he left it as a fair inference to be drawn by all who heard him.

[Mr. Mercer explained: He had alluded, in his remarks, not to the gentleman particularly, but to all the members of the Pennsylvania Delegation.]

Mr. B. resumed. None could be more friendly to this great national undertaking, the Cumberland Road, than he was, and ever had been. He had no doubt as to the constitutional question of the power of the Federal Government, so far as that power could be usefully applied to this object: but he doubted its power to set up toll-gates, and exact toll of all who travelled the road. He again declared, explicitly, that he was not opposed to the construction of the road. So far from being hostile to it, he was willing to postpone the discussion of the great question concerning the extent of the power of the General Government, and to grant any sum, in moderation, to save the road from ruin. If the gentleman from Maryland would be content with inserting 30,000 dollars, instead of 50,000 dollars, in the blank in his amendment, that amendment should have his cheerful support. The bill, in its original form, proposed but 45,000 dollars for the whole expense of repairs and toll-gates, &c. Why, then, should the gentleman ask 50,000 dollars for repairs merely? If the friends of the amendment were willing to take such a sum as was needed to save the road from ruin, he was ready to vote for the appropriation. But, if the question as to toll-gates was forced upon him, he should be compelled, by what he owed himself, to go at large into an explanation of the reasons which forbade him to advocate such a measure.

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Mr. Buchanan expressed great astonishment that the gentleman who had just taken his seat should have addressed such an appeal to him. He was but a solitary individual, and had never claimed, in the remotest manner, to be considered or treated as the organ of the Pennsylvania Delegation on that floor. He was there on his own responsibility. He answered for no man, and was controlled by no man. He knew his own opinion, and was willing to express it whenever properly called upon. He had already declared, and now again proclaimed his willingness to postpone the argument as to toll-gates, and to support the amendment appropriating 30,000 dollars for present repairs. He did

not mean to be drawn into any further argument on the subject, unless the whole question was to be gone into, and he regretted that the gentleman from Virginia had thought proper to begin the discussion on the constitutional question. For himself, he could say, after much reflection, that he believed that the assumption of the power to establish toll-gates by the authority of the General Government, would be a longer stride towards consolidation than any other which had yet been taken. He viewed it as a fearful effort to destroy our present happy system of Government. If the Government had power to do this on one road, they had power to do it on all roads, whether constructed for the purpose of commercial intercourse or of war. They might take at once the whole of those roads under their immediate jurisdiction, and punish, with sovereign authority, all offences committed thereon. There was a great difference between the State and Federal jurisdictions. If the latter were established, the former must be prostrated. He did not, however, wish, at this time, to enter at all upon this question. Nor should he have said thus much, had not the gentleman from Virginia broached the subject. Mr. B. concluded, by observing, that he hoped the gentleman from Maryland would consent to modify his amendment by substituting 30,000 dollars for 50,000 dollars, and that, in this form, it would prevail.

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The amendment of Mr. Barney was now read in its original form: whereupon

Mr. Buchanan moved to amend it by striking out 50,000 dollars, and inserting, in lieu thereof, $30,000.

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Mr. Buchanan said that he had no wish, in the motion he made, to throw obstacles in the way of the passage of the bill. He had certainly understood the gentleman from Maryland as being willing to modify his amendment so as to make it read 30,000 dollars.

Mr. Barney replied, that he had expressed such a willingness; but as gentlemen did not seem agreed respecting the sum to be appropriated, he would modify his amendment by leaving the sum in blank.

Mr. Peter now moved to fill the blank with 50,000 dollars; and the question being put on so filling it, was decided in the affirmative—Ayes 62; noes 54.

The amendment, thus modified, having been adopted, the residue of the original bill, as reported by the Committee on Roads and Canals, was stricken out.

The Committee of the Whole then rose, and reported the bill as amended.

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In the House—

Mr. Buchanan moved to strike out 50,000 dollars, and insert 30,000 dollars; and on this question he asked the yeas and nays, which were ordered by the House.

Mr. Mercer made some observations of an explanatory kind, and appealed to Mr. Buchanan as to the propriety of pressing his motion.

Mr. Buchanan said, that consistency and duty required him to make the motion, and he could not withdraw it. He had stated again and again that he was friendly to the road; but as the Committee of Roads and Canals had asked for but 45,000 dollars for repairs, toll-gates, and toll-houses, he could not consent to give 50,000 dollars for repairs only. Mr. B. concluded with the calculations as to the expense of gates and toll-houses, from whence he inferred, that, when that expense was deducted from the 45,000 dollars, the balance for repairs could not be over 30,000 dollars.

Mr. Lawrence rose to correct these calculations, and insisted, from estimates which he had seen, that gates and houses might be erected for 6,000 dollars. He opposed the motion of Mr. Buchanan, and insisted that 50,000 dollars was as small a sum as ought to be granted, if any effectual repairs were contemplated.

The question was then taken on the motion of Mr. Buchanan, by yeas and nays, as follows:

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So the House agreed to amend the amendment, by reducing the sum appropriated from 50,000 to 30,000 dollars.

TO MR. INGHAM.[1]

LANCASTER 12 July 1827.

DEAR SIR/

I received yours yesterday evening & hasten to give it an immediate answer. With you, I regret the publication of Gen: Jackson's letter to Mr. Beverly. It may do harm but cannot do good. The conversation which I held with the General will not sustain his letter; although it may furnish a sufficient reason for his misapprehension. My single purpose was to ascertain from him, whether he had ever declared he would appoint Mr. Adams Secretary of State in case he were elected President. As to the propriety & policy of propounding this question to him I had reflected much & had taken the advice of a distinguished Jackson man then high in office in Pennsylvania. I had no doubt at the time, that my question if answered at all would be answered in the negative; but I wished it to come from himself that he stood uncommitted upon this subject.

In my interview with the General, which bye the bye was on the street, I stated the particulars of a conversation between Philip S. Markley & myself—as one reason why he should answer the question which I had propounded. Out of my repetition of this conversation the mistake must have arisen. This conversation would be one link in the chain of testimony; but of itself, it is altogether incomplete.

How Gen: Jackson could have ever believed I came to him as an emissary from Mr. Clay or his friends to make a corrupt bargain with him in their behalf I am at a loss to determine. He could not have received this impression until after Clay & his friends had actually elected Adams President: and Adams had appointed Clay Secretary of State. Although I continued to be upon terms of the strictest intimacy with Gen: Jackson whilst he continued at Washington, & have corresponded with him occasionally ever since, he has never once adverted to the subject. From the terms of his letters to me I never could have suspected that he ever for a moment supposed me capable of becoming the agent in such a negotiation. The idea that such was his impression never once flitted across my mind, until I received a letter from Green dated the 30th ultimo.

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[1] Buchanan Papers, Historical Society of Pennsylvania. Also, Curtis's Buchanan, I. 51.

When regularly called upon I need not tell you that I shall speak the truth. If the matter be properly managed it will not injure General Jackson; but I can readily conceive that such a course may be taken in relation to it by some of our friends as will materially injure his prospects.

from your friend

JAMES BUCHANAN.

THE HON: SAMUEL D. INGHAM.

FROM GENERAL JACKSON.[1]

HERMITAGE July 15th 1827.

DR SIR

You will see from the enclosed publication of Mr. Clay repelling the statement made by me respecting the propositions said to have been made by his friends to mine & to me & intended to operate upon the last election for president, that it becomes necessary for the public to be put in possession of the facts. In doing this you are aware of the position which you occupy, and which I trust you will sustain when properly called on. Ever since the publication and the enquiry before the House of Representatives in January & February 1825 questions have been propounded from various sources calculated to draw from me the information I had upon that unpleasant subject. Many no doubt with sinister views placing me in selfish connections with the facts, from my accustomed silence have sought to fortify the character of Mr. Clay: But in a number of cases where enquiry seemed to be prompted by a frank & generous desire to obtain the truth I felt myself bound to answer in a corresponding spirit; and accordingly the statement made by you to me has been on several occasions repeated, as it was to Mr. Beverly who visited me at my house where he found a number of his friends & relatives.

Having tarried all night, in the morning conversing on politics, the question so often put to me before was asked by Mr. Beverly. It was answered. Mr. B. went to Nashville & wrote to his friend in No. Carolina who it appears published his letter. On the 15th of May last he wrote me from Louisville requesting to be informed whether the statement made by him was correct & observing that his letter was not intended for publication. Not having seen the letter as published there was no safe alternative for me but that adopted of making the statement as you will see in the enclosed paper.

I shall now in reply to Mr. Clay's appeal give my authority accompanied by the statement you made to Major John H. Eaton & to Mr. Kreamer & leave Mr. Clay to his *further enquiries*. He cannot be indulged by me in a paper war or newspaper discussion. Had his friends not voted out Mr. McDuffie's resolutions, when Mr. Clay threw himself upon the House

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[1] Buchanan Papers, Historical Society of Pennsylvania. Also, Curtis's Buchanan, I. 52, and 53–54, where an extract from Clay's vindication is given.

the truth or falsehood of these statements would have been made manifest & the public mind now at rest upon this subject. That they did will appear, reference being had to the National Journal of the 5th of February 1825. You will recollect that Mr. McDuffie moved to instruct the committee to enquire whether the friends of Mr. Clay have hinted that they would fight for those who pay best, & whether overtures were said to have been made by the friends of Mr. Clay offering him the appointment of Secretary of State for his aid to elect Mr. Adams, & whether his friends gave this information to the friends of Genl Jackson & hinted that if the friends of Jackson would close *with them* &c. &c. giving the committee the power to examine on oath.

I have no doubt when properly called on you will come forth & affirm the statement made to Major Eaton, then to Mr. Kreamer & then to me, & give the names of the friends of Mr. Clay who made it to you.

I will thank you to acknowledge the receipt of this letter on its reaching you.

I have the honor to be with great respect yr. mo. obdt. servt.

ANDREW JACKSON.

THE HONBLE
JAMES BUCHANAN ESQ.

TO DUFF GREEN.[1]

The *United States Telegraph,* July, 1827, published, under the head of "Bargain and Corruption," the following article:

"All that the public will require of General Jackson, is, that he shall give the *name* of his distinguished friend, through whom the views of Mr. Clay's friends were communicated to him. Immediately upon the receipt of General Jackson's letter to Mr. Beverley, we enclosed a copy of it to that distinguished member of Congress, and received the following reply:

"'————, July 16, 1827.

"'Dear Sir: I received yours of the 30th ultimo, on the morning of the 5th instant. In answer to it, I can only, at present, refer you to my answer to yours of the 12th of October last.[2] I have a very *distinct recollection* of the only conversation I ever held with General Jackson, concerning the last presidential election, prior to its termination, and when compelled to disclose it, I need not say, that I will speak the truth.

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[1] The author of this letter, as appears by the references in it, was Buchanan, as was affirmed by Colton, in his Life and Times of Henry Clay, I. 359.

[2] Supra, p. 218.

"'Everything in this state Pennsylvania, at present, looks well for the general. We have been making great exertions in his behalf. The character of the proposed convention of states at Harrisburg, seems now to be pretty well understood. I hope that nothing may occur to mar his prospects here, as a doubt about the vote of this state, might have a serious effect against him throughout the Union.

"'From your friend,

——— ———.'"

TO THE EDITOR OF THE LANCASTER JOURNAL,

AUGUST 8, 1827.[1]

To the Editor of the Lancaster Journal:

The Cincinnati Journal was last night placed in my hands by a friend, containing an address from General Jackson to the public, in which he announces me to be the member of Congress, to whom he had referred, in his letter to Mr. Beverley, of the 6th of June last. The duty which I owe to the public, and to myself, now compels me to publish to the world the only conversation which I ever held with General Jackson, upon the subject of the last presidential election, prior to its termination.

In the month of December, 1824, a short time after the commencement of the session of Congress, I heard, among other rumors then in circulation, that General Jackson had determined, should he be elected president, to continue Mr. Adams secretary of state. Although I felt certain he had never intimated such an intention, yet I was sensible, that nothing could be better calculated, both to cool the ardor of his friends, and inspire his enemies with confidence, than the belief that he had already selected his chief competitor for the highest office within his gift. I thought General Jackson owed it to himself, and to the cause in which his political friends were engaged, to contradict this report; and to declare that he would not appoint to that office the man, however worthy he might be, who stood at the head of the most formidable part of his political enemies. These being my impressions, I addressed a letter to a confidential friend in Pennsylvania, then and still high in office, and exalted in character, and one who had ever been the decided advocate of General

[1] Reprinted in Colton's Life and Times of Henry Clay, I. 352–355.

Jackson's election, requesting his opinion and advice upon the subject. I received his answer, dated the 27th of December, 1824, upon the 29th, which is now before me, and which strengthened and confirmed my previous opinion. I then finally determined, either that I would ask General Jackson myself, or get another of his friends to ask him, whether he had ever declared he would appoint Mr. Adams his secretary of state? In this manner, I hoped a contradiction of the report might be obtained from himself, and that he might probably declare it was not his intention to appoint Mr. Adams.

A short time previous to the receipt of the letter, to which I have referred, my friend, Mr. Markley, and myself, got into conversation, as we very often did, both before and after, upon the subject of the presidential election, and concerning the person who would probably be selected by General Jackson to fill the office of secretary of state. I feel sincerely sorry, that I am compelled thus to introduce his name; but I do so with the less reluctance, because it has already, without any agency of mine, found its way into the newspapers, in connexion with this transaction.

Mr. Markley adverted to the rumor, which I have mentioned, and said it was calculated to injure the general. He observed that Mr. Clay's friends were warmly attached to him, and that he thought they would endeavor to act in concert at the election; that if they did so, they could either elect Mr. Adams or General Jackson, at their pleasure; but that many of them would never agree to vote for the latter, if they knew he had predetermined to prefer another to Mr. Clay for the first office in his gift; and that some of the friends of Mr. Adams had already been holding out the idea, that, in case he were elected, Mr. Clay might probably be offered the situation of secretary of state.

I told Mr. Markley, that I felt confident General Jackson had never said he would appoint Mr. Adams secretary of state, because he was not in the habit of conversing upon the subject of the election; and if he were, whatever might be his secret intention, he had more prudence than to make such a declaration. I mentioned to him, that I had been thinking, either that I would call upon the general myself, or get one of his other friends to do so, and thus endeavor to obtain from him a contradiction of the report, although I doubted whether he would hold any conversation upon the subject.

Mr. Markley urged me to do so; and observed, if General

Jackson had not determined whom he would appoint secretary of state, and should say that it would not be Mr. Adams, it might be of great advantage to our cause for us so to declare, upon his own authority. We should then be placed upon the same footing with the Adams men, and might fight them with their own weapons. That the western members would naturally prefer voting for a western man, if there were a probability that the claims of Mr. Clay to the second office in the government should be fairly estimated; and that, if they thought proper to vote for General Jackson, they could soon decide the contest in his favor.

A short time after this conversation, on the 30th of December, 1824 (I am able to fix the time, not only from my own recollection, but from letters which I wrote on that day, on the day following, and on the 2d of January, 1825), I called upon General Jackson. After the company had left him, by which I found him surrounded, he asked me to take a walk with him; and, while we were walking together upon the street, I introduced the subject. I told him I wished to ask him a question in relation to the presidential election; that I knew he was unwilling to converse upon the subject; that, therefore, if he deemed the question improper, he might refuse to give it an answer; that my only motive in asking it, was friendship for him, and I trusted he would excuse me for thus introducing a subject about which I knew he wished to be silent.

His reply was complimentary to myself, and accompanied with a request, that I would proceed. I then stated to him, there was a report in circulation, that he had determined he would appoint Mr. Adams secretary of state, in case he were elected president, and that I wished to ascertain from him, whether he had ever intimated such an intention; that he must at once perceive how injurious to his election such a report might be; that no doubt there were several able and ambitious men in the country, among whom I thought Mr. Clay might be included, who were aspiring to that office; and, if it were believed he had already determined to appoint his chief competitor, it might have a most unhappy effect upon their exertions, and those of their friends; that, unless he had so determined, I thought this report should be promptly contradicted under his own authority.

I mentioned it had already probably done him some injury, and proceeded to relate to him the substance of the conversation I had held with Mr. Markley. I do not remember, whether I mentioned his name, or merely described him as a friend of Mr.

Clay. After I had finished, the general declared, he had not the least objection to answer my question; that he thought well of Mr. Adams, but had never said, or intimated, that he would, or would not, appoint him secretary of state; that these were secrets he would keep to himself—he would conceal them from the very hairs of his head; that if he believed his right hand then knew what his left would do on the subject of appointments to office, he would cut it off, and cast it into the fire; that if he should ever be elected president, it would be without solicitation, and without intrigue, on his part; that he would then go into office perfectly free and untrammelled, and would be left at perfect liberty to fill the offices of the government with the men, whom, at the time, he believed to be the ablest and the best in the country.

I told him, that this answer to my question was such a one as I had expected to receive, if he answered it at all; and that I had not sought to obtain it for my own satisfaction. I then asked him, if I were at liberty to repeat his answer? He said, I was at perfect liberty to do so, to any person I thought proper. I need scarcely remark, that I afterward availed myself of the privilege. The conversation upon this topic here ended, and in all our intercourse since, whether personally, or in the course of our correspondence, General Jackson never once adverted to the subject, prior to the date of his letter to Mr. Beverley.

I do not recollect, that General Jackson told me I might repeat his answer to Mr. Clay and his friends; though I should be sorry to say he did not. The whole conversation being upon a public street, it might have escaped my observation.

A few remarks, and I trust I shall have done with this disagreeable business forever.

I called upon General Jackson, upon the occasion which I have mentioned, solely as his friend, upon my individual responsibility, and not as the agent of Mr. Clay or any other person. I never have been the political friend of Mr. Clay, since he became a candidate for the office of president, as you very well know. Until I saw General Jackson's letter to Mr. Beverley, of the 6th ult., and at the same time was informed by a letter from the editor of the United States Telegraph, that I was the person to whom he alluded, the conception never once entered my head, that he believed me to be the agent of Mr. Clay, or of his friends, or that I had intended to propose to him terms of any kind from them, or that he could have supposed me to be capable of express-

ing "the opinion that it was right to fight such intriguers with their own weapons." Such a supposition, had I entertained it, would have rendered me exceedingly unhappy, as there is no man upon earth, whose good opinion I more valued, than that of General Jackson. He could not, I think, have received this impression, until after Mr. Clay and his friends had actually elected Mr. Adams president, and Mr. Adams had appointed Mr. Clay secretary of state. After these events had transpired, it may be readily conjectured, in what manner my communication might have led him into the mistake. I deeply deplore, that such has been the effect.

I owe it to my own character to make another observation. Had I ever known, or even suspected, that General Jackson believed I had been sent to him by Mr. Clay or his friends, I should immediately have corrected his erroneous impression; and thus prevented the necessity for this most unpleasant explanation. When the editor of the United States Telegraph, on the 12th of October last, asked me by letter for information upon this subject, I promptly informed him by the returning mail, on the 16th of that month, that I had no authority from Mr. Clay, or his friends, to propose any terms to General Jackson, in relation to their votes, nor did I ever make any such proposition; and that I trusted I would be as incapable of becoming a messenger upon such an occasion, as it was known General Jackson would be to receive such a message. I have deemed it necessary to make this statement, in order to remove any misconception, which may have been occasioned by the publication in the Telegraph, of my letter to the editor, dated the 11th ultimo.

With another remark I shall close this communication. Before I held the conversation with General Jackson, which I have detailed, I called upon Major Eaton, and requested him to ask General Jackson, whether he had ever declared, or intimated, that he would appoint Mr. Adams secretary of state, and expressed a desire that the general should say, if consistent with the truth, that he did not intend to appoint him to that office. I believed, that such a declaration would have a happy influence upon the election, and I endeavored to convince him, that such would be the effect. The conversation between us was not so full, as that with General Jackson. The major politely declined to comply with my request, and advised me to propound the question to the general myself, as I possessed a full share of his confidence.

JAMES BUCHANAN.

LANCASTER, 8th August, 1827.

TO MR. INGHAM.[1]

LANCASTER 9 August 1827.

DEAR SIR/

Ere this can reach you—you will have seen General Jackson's letter to the Public in which he has given up my name. It will at once strike you to be a most extraordinary production so far as I am concerned. My statement will appear in the Lancaster Journal tomorrow which I shall send you. I have not suffered my feelings to get the better of my judgment but have stated the truth in a calm & temperate manner. If General Jackson & our editors should act with discretion the storm may blow over without injury. Should they on the contrary force me to the wall & make it absolutely necessary for the preservation of my own character to defend myself, I know not what may be the consequence.

I have stated the conversation between Markley & myself in as strong terms as the truth would justify; but no stronger. It is in your power to do much to give this matter a proper direction. Indeed I would suggest to you the propriety of an immediate visit to Philadelphia for that purpose. My friends here are very indignant but I believe I can keep them right.

You will perceive that General Jackson has cited Mr. Eaton as a witness. I have treated this part of his letter with great mildness. In a letter to me which I received the day before yesterday—the General intimates that George Kremer would confirm his statement. This letter is an imprudent & in my opinion an improper one. It is well it has fallen into the hands of a political friend.

You will discover that your knowledge concerning my conversation with General Jackson was nearly correct. The friend who wrote me the letter of the 27 Dec: 1824 referred to in my communication was Judge Rogers—then Secretary of State [of Pennsylvania].

from your sincere friend

JAMES BUCHANAN.

SAMUEL D. INGHAM ESQ.

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[1] Buchanan Papers, Historical Society of Pennsylvania. Also, Curtis's Buchanan, I. 54.

TO GENERAL JACKSON.[1]

LANCASTER 10 August 1827.

DEAR SIR,

I received your letter of the 15th ultimo on Tuesday last. Your address to the Public also reached me upon the same day in the Cincinatti Advertiser. This communication made it necessary for me to publish in detail the conversation which I held with you, concerning the Presidential election on the 30 December 1824. I shall enclose to you in this letter that part of the Lancaster Journal containing it.

I regret beyond expression that you believed me to be an emissary from Mr. Clay. Since some time before the first Harrisburg Convention which nominated you, I have ever been your ardent, decided, and perhaps without vanity I may say, your efficient friend. Every person in this part of the state of Pennsylvania is well acquainted with the fact. It is therefore to me a matter of the deepest regret that you should have supposed me to be "the friend of Mr. Clay." Had I ever entertained a suspicion that such was your belief, I should have immediately corrected your impression.

I shall annex to this letter a copy of that which I wrote to Duff Green, on the 16th October last.[2] The person whom I consulted in Pennsylvania was the present Judge Rogers of the Supreme Court—then the Secretary of State of this Commonwealth.

The friends of the administration are making great efforts in Pennsylvania. We have been busily engaged during the summer in counteracting them. Success has I think hitherto attended our efforts. I do not fear the vote of the State, although it is believed every member of the State administration, except General Bernard is hostile to your election. Your security will be in the gratitude in the hearts of the people.

Please to present my best respects to Mrs. Jackson and believe me to be very

respectfully your friend &c

JAMES BUCHANAN.

GENERAL ANDREW JACKSON.

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[1] Jackson MSS., Library of Congress. Imperfectly printed in Curtis's Buchanan, I. 55.

[2] Supra, p. 218.

FROM DUFF GREEN.[1]

WASHINGTON 11th August 1827.

DEAR SIR

I take the liberty to enclose you a letter from a gentleman of the first respectability at Lexington, Ky. which you will please to keep & return. This letter is sent you as an evidence of the friendly feeling which runs through the whole body of Gen. Jackson's friends. Several letters speak in much the same terms.

Surrounded as you will be by the important consequences which must grow out of your letter you will excuse the solicitude I feel and the motive which prompts the liberty I have taken. Please to consider this letter as strictly confidential.

Your friend

D. GREEN.

Your letter was published in order to produce the effect which I find it has produced upon the elections in Kentucky. I foresaw the importance of it and took the liberty so to use it. Your name was announced for the same reason.

TO DUFF GREEN.[1]

LANCASTER 17 August 1827.

DEAR SIR/

I have received yours of the 11 Instant enclosing me the letter of Mr. Richardson of Kentucky. I shall keep this letter according to your request until I see you & then return it; or if you so desire I will send it by Mail.

I felt hurt at your publication of my private letter, nor can I approve the reasons which you have given for it in your last.

I was pleased with your remarks in the last Telegraph upon the subject of my letter to the Editor of the Lancaster Journal. They were written with much ability, & generally speaking, contain my own sentiments. I am glad you have given so good a direction to the subject; & I trust the course which you have so clearly indicated may be followed by our Editors generally.

You say, "it is whispered that the Coalition have thrown open their arms widely & hope to entice Mr. Buchanan to rush into their embrace. This he will not do."

You were fully justified in the last sentence of this remark. *No combination of circumstances can ever exist which will induce me to support Mr. Adams for the office of President.* It may

[1] Buchanan Papers, Historical Society of Pennsylvania.

become necessary in self defence for me again to appear before the Public, should General Jackson or Major Eaton reply to my statement. Nothing but necessity shall compel me to do so. In that event it is possible the cause of Gen: Jackson may be injured: otherwise the present storm will blow over without materially affecting it.

I need not inform you this letter is not intended for publication. From yr. obedient servant

JAMES BUCHANAN.

GENERAL DUFF GREEN.

REMARKS, DECEMBER 31, 1827,

ON THE PROTECTION OF DOMESTIC MANUFACTURES.[1]

Mr. Buchanan said, as my colleagues [Mr. Stevenson and Mr. Stewart] have expressed opinions directly at variance with each other, I shall state my reasons for the vote which I intend to give. I am in favor of the amendment proposed by the gentleman from New York [Mr. Oakley]; not because it varies in principle from the resolution reported by the Committee of Manufactures, but because it expresses more fully and distinctly the objects which that committee had in view.

It has been stated and urged by gentlemen, in this debate, that the vote which may be given in favor of the resolution, ought to be considered as a vote against the policy of protecting domestic manufactures. I protest against any such inference. It is at war with the fact. It assumes the principle, that, because the friends of the resolution wish to cast all the light which can be shed upon the subject—because they wish to act with knowledge and deliberation—that, therefore, they are opposed to the protection of domestic manufactures. It assumes the position that the desire to obtain information concerning a measure, necessarily pre-supposes hostility to it. This is a singular mode of argument. I feel confident, that, when the House shall have acquired

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 1, pp. 875–877. A resolution having been reported that the Committee on Manufactures be empowered "to send for persons and papers," Mr. Oakley proposed to amend it by adding the words "with a view to ascertain and report to the House such facts as may be useful to guide the judgment of this House in relation to a revision of the tariff duties on imported goods." (Id. 862, 868.)

a knowledge of all the facts—and when they shall be spread before the nation, in an authentic form, we shall pass a bill much more satisfactory to ourselves and to our country, than we can do without the information.

But, it has been stated that the delay which must follow the adoption of this resolution, will defeat the bill, at the present session. I have been astonished to hear this argument urged, after the explicit declaration of the Committee of Domestic Manufactures. One of its members [Mr. Stevenson] has solemnly declared, that delay has not been the object, nor will it be the effect of the measure. They have determined to report a bill during the next month, and hope they will be enabled to do so, some time before its close. After such a declaration upon this floor, will any gentleman again repeat, that the intention of the majority of the committee is delay? I trust not. Upon the ground of delay, therefore, there is no reason for voting against this resolution. Much as I desire more information concerning the manufacture of woollens, if I could, for one moment, believe, that the passage of this resolution would prevent us from acting efficiently upon the tariff, during the present session, I should vote in the negative. I apprehend no such result.

Gentlemen have argued, that the power to send for persons to testify, which the respectable Committee of Manufactures desire to obtain from the House, is dangerous and unprecedented. What a mere bug-bear is this argument! If two of your citizens engage in litigation, no matter how contemptible the subject in dispute may be, your laws will compel the attendance of witnesses, whatever may be the individual sacrifice. Justice must be done between them. And shall it be said, that, when a measure, deeply affecting the interest of every man in the United States, is before the Representatives of the People, that it is the exercise of extraordinary power, to compel the attendance of witnesses who can give us practical information upon the subject? This power has never before been questioned, since I have been a member of this House.

For my own part, I am a sincere friend to the Tariff, and have no doubt that the manufacture of woollens requires additional protection: the great question is, in what degree? We must know the extent of the evil, before we can proportion the remedy to it. Upon this subject, my principles have never changed. I have ever been in favor of affording such protection to our domestic manufactures, as will enable them to enter into fair and success-

ful competition with foreign manufactures, in our domestic markets. If you go beyond this point, you reach prohibition; and thus afford an unnecessary and unjust protection to the manufacturer, at the expense of the consumer. On the other hand, if you fall short of it, you disappoint the just hopes of the manufacturer, and withdraw from him the foundation on which he has a right to expect that he shall stand. It is not easy to determine the precise point to which we ought to go. To err on the one side, will injure the manufacturer—to err on the other, will injure the consumer. The woollen manufacturers themselves differ, as to the degree of protection necessary. How, then, can we decide between them, without calling them before us, and ascertaining the facts upon which their respective opinions rest? My colleague [Mr. Stewart] may know the precise degree of protection necessary. I confess I do not. Even the Committee of Domestic Manufactures are in the dark upon this subject.

Who are the manufacturers, that we dare not approach them? Shall we be so careful of their accommodation, that we must act blindly, rather than send for them to give us information? Shall we run the risk of injuriously affecting the agricultural interest, and all the other interests of the country, rather than send for a few of those gentlemen who are our petitioners, to inform us as to the degree of protection which their establishments require? This would be ill-timed and injudicious kindness. If we send for them, their expenses must be paid by the House. It certainly cannot be a very grievous matter for them to spend a few days here, during the fashionable season, at the public expense, when so many of our citizens visit Washington voluntarily, at their own private cost.

I confess I did not understand by what authority my colleague [Mr. Stewart] undertook to propound the questions which he has done to the Committee of Manufactures. They are not now upon their trial. They are not bound to answer such interrogatories. They have exposed their reasons for making this request before you, and they merely wish to obtain your advice upon the subject. They will rest satisfied with whatever may be your determination.

Before I sit down, I must say, I am glad that my colleague [Mr. Stewart] and myself at length agree upon the articles proper to be embraced in the Tariff. The abortive attempt which he made to amend this resolution, shews, that he is now willing to protect other interests besides those contained in the Woollen Bill

of the last Session. Since that period, new light, from some quarter, has beamed upon his mind; and who can, therefore, tell, but that the information sought to be obtained by this resolution, may illumine the minds of others? At the last Session, when I proposed to include in the Woollen Bill several of the articles enumerated in the amendment which that gentleman has this day offered, he voted for the previous question, which was carried; and thus my purpose was defeated.

Mr. Buchanan here yielded the floor to Mr. Stewart.

Mr. Stewart rose to explain. He had, at the last session, voted for every proposition the object of which was to protect either manufactures or agriculture. He had never voted against a Tariff question, and never would. He had never voted against a single proposition in any shape, which, in his judgment, was calculated to protect domestic industry. He had voted for the woollens bill of last session, not as being all that he wished, but as being all that he could get—and on this ground only.

Mr. Buchanan said, I cannot be mistaken in the fact, that the gentleman [Mr. Stewart] did vote for the previous question, upon the occasion to which I have referred. It will be for the House and the country to decide, whether the explanation of that vote which he has now given, be satisfactory or not.

1828.

REMARKS AND MOTION, JANUARY 14, 1828,

IN RELATION TO THE CUMBERLAND ROAD.[1]

Mr. Buchanan rose, and said, that it would be recollected by many gentlemen upon this floor, that, at the last session of Congress, when the bill for the preservation and repair of the Cumberland Road, which provided for the erection of toll-gates within the jurisdiction of the States through which it passes, was before the House, the session was so far advanced, that time did not remain to discuss and settle the important principles which it contained. Some days after that bill had been reported, I presented an amendment to it, which I gave notice I intended to offer, when it should come before the House for discussion. This amendment provided for the retrocession of the road to the States

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 1, pp. 1004–1005.

through which it passes, upon condition that they should keep it in repair, and exact no more toll upon it than might be necessary for that purpose.

As the Cumberland Road then required immediate repairs, there was a general understanding throughout the House, that a simple appropriation should pass for that purpose; and that the decision of the question which would have arisen upon the bill, as reported, and upon the amendment which I had proposed, should be postponed until the present session. The same bill for the erection of toll-gates under the authority of Congress, which had been reported by the Committee of Roads and Canals, at the last session, has been again reported, at this Session, by the Committee. For the purpose of bringing the whole subject fairly before the House, and of preventing any unnecessary delay, I, therefore, again present the amendment which I intended to offer, at the last session, and move that it may be printed; and I give notice that I shall offer it, when the bill for the preservation and repair of the Cumberland Road shall come before the House.



Mr. Buchanan submitted to the House a paper containing an amendment to the bill for the preservation and repair of the Cumberland Road; which was ordered to be printed, and will be taken into consideration when that bill comes before the House.

REMARKS, JANUARY 16, 1828,

ON A RESOLUTION AS TO THE COURT MARTIAL HELD AT MOBILE, DECEMBER 5, 1814, FOR THE TRIAL OF CERTAIN TENNESSEE MILITIAMEN.[1]

Mr. Buchanan said, he had an amendment to offer to the resolution, which would afford the gentleman from Kentucky [Mr. Wickliffe] time to examine and understand it, in its present form, as it had been modified by the gentleman from Ohio, [Mr. Sloane.] He was pleased that such a resolution had been moved, because the subject had already excited much public interest; indeed, it had attracted the attention of the whole nation. He wished to have presented before the American People the documents, and all the documents, which related to this transaction.

It would seem, from the terms of the resolution, in its original form, that its intention was rather to implicate the then

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 1, pp. 1031–1032.

Governor of Tennessee than the distinguished individual who was now so conspicuously within the public view. Even in its present modified state, it does not embrace all the documents which it is proper we should obtain. The People of this country feel a deep interest in every thing which relates to the character and conduct of that individual. It was necessary, therefore, that the whole case should be brought before this House, and the public. [He then moved an amendment, which called for a copy of the order issued by Governor Blount to General Jackson.]

Mr. B. said, he would state his reason for this motion. He had observed in the public papers, some time ago, a copy of the order issued by Governor Blount to General Jackson, in May, 1814. If this copy were authentic—and he had no reason to doubt its authenticity—it would cast a blaze of light upon the subject. If any person could, by possibility, be implicated, it would be Gov. Blount, and not General Jackson.

In that order, the Governor explicitly declares, that it was issued in compliance with the requisition of Major General Pinckney. It commanded General Jackson to order out one thousand men of the second division of Tennessee militia, for the term of six months, unless they should be sooner discharged by the President of the United States. And it declared, that this latitude, in relation to the call, had been given by instructions from the War Department. It will be recollected, that General Jackson was, at that time, an officer in the militia, and not of the regular army. He was bound to obey this order of the Governor of his own State; and it could never have occurred to him to inquire whether that officer had lawful authority to issue it, especially when upon its face, it contained an express recital of such authority. If this order did issue, it will shew conclusively that, if there be any question in the case, it has an immediate bearing upon Gov. Blount, and not upon General Jackson. Mr. B. wished to have a copy of this order. No doubt the Governor had transmitted it to the War Department, under whose authority he had been acting. Mr. B. concluded by expressing a hope that the gentleman from Ohio [Mr. Sloane] would accept his amendment as a modification of the resolution.

REMARKS, JANUARY 23, 1828,

ON RETRENCHMENT.[1]

Mr. Buchanan said, he could not concur in opinion with the gentleman from Maryland [Mr. Barney] that no necessity for reform existed at the present time. On the contrary, I believe it is necessary that all the public expenditures should be subjected to a most rigid examination. That abuses do exist, which ought to be remedied, I do not entertain a particle of doubt. Whilst this is my deliberate conviction, I entirely concur with the gentleman from Virginia [Mr. Randolph] that this is not the proper period for reform. Our duty at present, is, to transact the necessary public business of the country, and to go home as soon as we can. I will say, however, to the gentleman from Kentucky [Mr. Chilton] that whoever shall undertake the work of reform, cannot accomplish his purpose by such a resolution as that now before the House. He must go to work systematically. He must patiently and laboriously ferret out one abuse after the other, himself, instead of imposing that labor upon others. Such a task cannot be performed by referring a general—an unlimited and undefined resolution to the Committee of Ways and Means, at this period, when, I trust, half the session has elapsed.

I should not have risen, upon the present occasion, to say one word, did I not believe that the duty which I owe to the Fifth Auditor of the Treasury imperiously demands of me to make an explanation of the duties which that officer performs. The gentleman from Kentucky [Mr. Chilton] never could have investigated the subject, when he informed the House, that office had been created for purposes which no longer exist. This office was created in March, 1817. Its duties originally consisted in auditing and settling all the accounts connected with the Department of State. These duties embraced all the accounts relating to our intercourse with foreign nations. Since this office was created, those duties must have been doubled. The independence of South America has since given birth to a new swarm of Foreign Ministers, Diplomatic Agents, and Consuls along the shores both of the Southern Atlantic and Pacific ocean. Their accounts must all be audited by this officer.

The same observation is applicable to the accounts of the Post Office Department. This officer is the Auditor of all the

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 1, pp. 1088–1090.

accounts of all the Post Masters, and all the Mail Contractors, in the United States. The new energy infused into this Department, by the excellent officer now at its head, has greatly extended the duties of the Fifth Auditor. This, however, is far from being the aggregate of his services. He has been made a kind of residuary legatee, of all the duties which other officers of the Government could not conveniently perform. When the office of Commissioner of the Revenue was abolished, in 1819, the Fifth Auditor was designated by the Secretary of the Treasury to perform the duties of that office. Although, since that time, there have been no internal taxes to collect, yet those gentlemen who know how difficult it is to wind up an old concern, will readily believe that the duties imposed upon this officer have been nearly as arduous as they would have been, had internal taxation continued. This branch of his business has entailed upon him an extensive correspondence with all the Collectors in the United States, who have not finally closed their accounts—and the number of such, even at this day, is not small. But the most extraordinary of all the duties which has been imposed upon this officer, is that which the President of the United States devolved upon him in 1821. Although never bred to the laws, yet he was appointed to discharge duties which strictly and properly belong to the office of Attorney General of the United States. Ever since that time, he has directed and superintended all the law suits, throughout the Union, in which the Government have been concerned; and, at the present moment, the United States have upwards three thousand law suits depending.

To show the extent and the arduous nature of this duty, I would remark, that the then Secretary of the Treasury, who was never suspected of a want of proper economy—an officer upon the purity and wisdom of whose official conduct the People of this country have passed, and who is now revered in his retirement by every patriot, recommended that a person should be appointed for the sole purpose of attending to these suits, with a salary of $2,500 per annum.

If, therefore, there be any one officer in this Government, whom the gentleman from Kentucky ought not to have designated as useless, that officer is the Fifth Auditor of the Treasury. I am just now reminded by gentlemen around me, that this officer, in addition to other burdens imposed upon him, has the charge of all the light houses in the United States.

I have a word to say to the gentleman from Maryland [Mr. Barney] before I take my seat. I am prepared at this time, and at all times, to act upon the subject of reducing our own pay. In relation to this question, I formed a deliberate opinion six years ago, which my experience ever since has served to strengthen and confirm, that the per diem allowance of members of Congress ought to be reduced. As a compensation for our loss of time, it is at present wholly inadequate. There is no gentleman fit to be in Congress, who pursues any active business at home, who does not sustain a clear loss by his attendance here. If we consider our pay, with reference to our necessary individual expenses, it is too much. It is more than sufficient to cover our expenses. I believe that the best interests of the country require that it should be reduced to a sum no more than sufficient to enable us to live comfortably whilst we are here. For my own part, I do not, like the gentleman from Maryland [Mr. Barney] give away to my constituents my per diem allowance. I receive it, and use it for my own benefit. It seems that gentleman uses the surplus of his pay, in displaying his liberality to his constituents; by making donations to churches and charitable institutions at the public expense. In this manner he may use it most effectually for his own advantage; but still I am inclined to believe, his constituents, as well as mine, would be quite as well satisfied, if the surplus were allowed to remain in the Treasury, for the benefit of the Nation. If the Government of this country should ever want to employ almoners to distribute their bounty, the last men whom the People should desire to employ in this office, would be members of Congress. It might be dangerous to trust them with the performance of such a duty.

Upon the whole I scarcely know how to vote upon the present question. If the Chairman, or any gentleman upon the Committee of Ways and Means, to whom this resolution is directed, will say there is any prospect that it may be productive of good, during the present session, I shall vote in the affirmative. If not, I shall vote in the negative. When we commence the work of reform, I wish to enter upon it seriously. I wish the House to be prepared to act with wisdom and with energy, in cutting off the useless branches of public expenditure. Until that time shall arrive, I do not wish to encourage hopes which cannot be realized.

REMARKS, JANUARY 24, 1828,

ON RETRENCHMENT.[1]

Mr. Buchanan said, that, if the House should determine to adopt any resolution on the subject of reform, at the present time, it ought to contain a distinct proposition, that it was expedient to discharge the national debt as soon as possible. For this reason, he could not vote for the amendment offered by the gentleman from New-York, [Mr. Taylor.] When that gentleman moved an amendment, which, if it should prevail, would strike out all that part of the original resolution which related to the extinguishment of the public debt, he expected to hear some reasons urged for such an omission. In this he had been disappointed.

Sir, said Mr. B. I know it has become very fashionable in the present day, to say, that we are discharging the public debt too rapidly. Many deplore that it is melting away so fast: and although it has not been openly avowed that a public debt is a public blessing, yet such is the necessary tendency of the remarks which we often hear. Upon this subject, I beg the House to recur to the past history of the country. What was the amount of our debt before the late war? It had been so much reduced, that a very wise and a very great statesman felt himself at a loss to know how our surplus revenue could be expended, after the debt should be entirely extinguished. To accomplish this purpose, amendments to the Constitution were recommended. But war came; and in less than three years, the public debt increased from forty-five to one hundred and twenty millions of dollars. It was a maxim of the Father of his Country, that, in peace it was our duty to prepare for war. How can we better prepare, than by paying our debts? According to the system which has been pursued by this Government from its origin, we have, comparatively speaking, no resource left, in time of war, but a resort to loans. They and they alone, must support our credit in the day of trial; and yet this resource had nearly been exhausted before the close of the last war. What has once been, experience teaches us may be again. A war, by injuring our foreign trade, would cut off many of the sources of our revenue, and we should be compelled again immediately to resort to loans. I wish, then,

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 1, pp. 1136–1138.

if possible, to be clear of debt when another war shall commence. Our debt, reduced as it has been, is still much larger than it was at the declaration of the late war. A future war would, in a very few years, raise it higher than it ever has been. I am, therefore, in favor of husbanding all our resources, and applying the whole surplus, not absolutely necessary for other objects, to the extinguishment of the national debt. If, therefore, we shall pass the resolution, I trust that this object will stand in the front rank.

I know that the process of extinguishing the debt has been rapidly advancing for several years, and I do not complain that the present administration have not fairly applied the sinking fund to this purpose. Although I do not pretend to be their friend, yet I am willing to admit they have gone on to carry into effect the law creating that fund, which was so wisely enacted by our predecessors. This rapid extinguishment of the public debt has been productive of much good to the country. Among other benefits, it has essentially promoted domestic manufactures, by forcing capital into that channel of business, which would never have been thus employed, could it have remained in the public stock. I shall vote for no amendment which shall not embrace, in distinct terms, the position that the public debt ought to be extinguished as speedily as possible.

Mr. B. said he would reply in a few words to his friend from Maryland [Mr. Barney.] He reciprocated the term friend, because he believed he could do so towards that gentleman with propriety. Said Mr. B., when I expressed myself friendly to the reduction of our own per diem allowance, I trust neither that gentleman, nor any other upon this floor, attributed my remarks to the grovelling and selfish desire of courting popularity. The people of this country are too clear-sighted and too intelligent to be deceived by such pretences. I here distinctly avow, that the saving of money to the public treasury was far from being the chief reason which influenced my mind in arriving at the conclusion that our per diem should be reduced. I firmly believe that my own constituents would not regard it a single straw, whether I should vote for eight or for four dollars per day. My motive was of a higher nature. My remarks, I trust, sprung from a nobler source. If the gentleman from North Carolina [Mr. Culpeper] had reasoned upon the fact which he stated, and had drawn the fair deduction from it, he would, I think feel the force of the remarks which I intend to make. He says that but one bill has passed into a law during the present session, and that one

is a bill providing for the pay of the members of Congress. I would ask that gentleman, why is this the case? Why has not more business been done? If he had asked himself these questions, he would probably have discovered the true origin of my remarks. I wish to speak with all due deference to the members of this House, when I say it is my desire, by reducing our wages, to make it our interest, as well as our duty, to do the business of the country as it arises, and go home as soon as possible. I do not wish to be in a hurry—I do not wish to act without due deliberation; and yet, I firmly believe that the public business might be better transacted than it is at present, in little more than half the period of our long sessions. I do not profess to be "an aged gentleman;" but yet, upon this subject, I can speak in the language of experience, and am glad that there are many gentlemen around me who can correct me if I should fall into error. I would ask, what has been the course of legislation which we have heretofore pursued? What have we done during the first half of every long session? I answer, comparatively nothing. The fact stated by the gentleman from North Carolina, [Mr. Culpeper] in regard to the business which has been transacted during the present session, is substantially true of those that are past. But I do not complain of the waste of time alone. The necessary consequence of this manner of proceeding is to force the whole business of the session in a solid mass upon the House near its close. Then we have so much to do, that we can do nothing well. There is neither time nor opportunity for investigation; and measures are adopted, the nature and character of which cannot be understood by the House. Immediately before the close of the session, we are employed in passing bills until 12, 1, 2, and 3 o'clock in the morning. I have been upon this floor at a late period of the night, when important amendments were arriving every few minutes from the Senate, which were adopted, when, I believe, there were not more than thirty or forty members present. I do know that it was then in the power of any individual, by merely calling for a division, to defeat any of these measures. This would have furnished official information to the Speaker that a quorum was not present, and then no business could have proceeded.

When the spirit of reform is abroad, I wish to try the experiment, whether we should not do more business, and do it better, in a shorter time, if our pay were less. I say we, because I am conscious that I like money quite as well, and have been quite as

much to blame, as other members. As to the saving of a few dollars per day, out of the pay of each member, to the People of the United States, they disregard it, and, in that view of the subject, I disregard it. I concur with the gentleman from Maryland, in believing it to be small game. If its tendency, however, should be, as I believe it would, to direct our attention more earnestly to the public business of the country, and to induce us to apply ourselves more industriously to discharge it, the effect would be happy. I did not wish, at the present time, to be drawn out into this explanation. It, however, became necessary. Having done so, I can now utterly disclaim the idea, that I was urged to the performance of this duty by any desire to obtain popularity, which, if it rested upon no other foundation, would be fleeting in its nature, and would not be worth possessing by any honorable man.

The gentleman from Maryland asks why I had not, ere this, made a motion to reduce our wages, as I had long been thoroughly convinced of its propriety? I answer that I have not now made such a motion; I have merely expressed my opinion. I have not set myself up as a reformer of every abuse which I see here. To become a reformer in this Government, I fear would be a most troublesome, thankless, and hopeless task, particularly if the first blow should be directed against ourselves. If I had made any motion upon the subject, which I intend to do at a proper time, I might answer him, in the language of the homely proverb, "better late than never."

REMARKS, JANUARY 26, 1828,

ON RETRENCHMENT.[1]

Mr. Buchanan said, I do not rise to prolong this debate, by entering into a general discussion of the subject. Sufficient time has already been wasted upon it. When it was first introduced to the House by the gentleman from Kentucky, I did not anticipate that it could have occupied so much of our time as it has already done.

My single purpose, at this time, is to notice an observation which was made yesterday, by the gentleman from Ohio, [Mr.

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 1, pp. 1189–1191.

Wright] in relation to the Committee of Domestic Manufactures. This task I should not have undertaken, had the members of that committee been present in the House, either yesterday or to-day; because, we all know they are perfectly able to defend themselves. It is well known that they now are, and for a considerable period they have been, absent from the House, by leave, discharging the arduous and important duties which the House have thought proper to impose upon them. If the gentleman from Ohio had recollected this fact, he surely ought not have made the remark which he did.

The gentleman, in reply to a remark made upon this floor, said, he feared there was no danger that we should have a tariff forced upon us during the present session. That we had not yet heard any thing from the Committee of Manufactures, and his constituents feared we should not hear from them during the present year. The gentleman evidently intended to convey the idea to this House, and to the nation, that the committee were opposed to the great interest intrusted to their care, and wished to defeat the passage of any tariff during the present session. I ask what evidence is there, to justify the remark of that gentleman? When the House gave the Committee of Manufactures the power to send for and examine witnesses, one of the members of that committee distinctly declared, upon this floor, that they would report during the present month. The gentleman ought, therefore, in common justice, to have waited at least until the close of the month, before he began to complain. It will be time enough to charge the committee with neglect, when the period shall have elapsed, within which they avowed their intention to make a report.

I will inform the gentleman, that the members of that committee have faithfully and industriously devoted themselves to the performance of their duty. Their labor has been almost incessant. They have for some time been occupied not only during the whole day, but a great part of the night, in examining witnesses. When they shall make a report to this House, it will be one resting upon facts, not upon vague and contradictory opinions. It will convince all, that the House acted wisely in granting that committee power to send for persons. For my own part, I am firmly convinced, that the facts which the committee have collected, instead of retarding, will greatly expedite the passage of a wise and judicious tariff. They will serve to conciliate the enemies of the system, by furnishing them with convincing testi-

mony, that domestic manufactures really do require additional protection. I have no doubt such a bill will be reported, as shall unite the gentleman from Ohio and myself in its support; although, during the present session, we have stood in opposition to each other, upon almost every other question. Upon this occasion, I shall be glad to embark with him in the same vessel, and I trust we shall have a prosperous voyage.

As the House appears determined to pass some resolution upon the subject now before them, I shall take the liberty of making a suggestion in relation to the Military Academy at West Point. It is chiefly intended for the committee who may have charge of the resolution.

I cannot agree with some of the gentlemen who have addressed the House, that the Military Academy should be abolished. On the contrary, this Government, possessing the power of making war, and being under a solemn obligation to provide for the common defence, owe it to themselves and to the People of this country, to furnish them with the means of military instruction. War, especially in modern times, has become an art, nay a science, so extensive and so complex in its nature, that its theory can only be acquired after years of application. A Military Academy is the best plan which has ever yet been devised of communicating military instruction. It is true that a few men, of brilliant genius, have appeared in the world, who, without a military education, by mere intuition, have excelled in the art of war. These splendid exceptions ought not to detract from the general rule that a military education is necessary to make a skilful and efficient officer.

Gentlemen have complained, and I believe with justice, that there now are several supernumerary Cadets. I would suggest the source of this evil to be, that the Military Academy is too large for the Army—or, any gentleman will have it so, the Army is too small for the Military Academy. A just proportion does not exist between them. The supply of officers which the Academy furnishes is too great for the demand of an army not amounting to 6,000 men. This state of things gives birth to another evil. No man who now enlists as a private soldier in the Army, no matter what may be his capacity, or what may be his conduct, can ever expect to be promoted above the rank of a petty officer. He can never indulge the hope, which the policy and the practice of the wisest nations have sanctioned, that he may one day become a general officer. Every avenue to promotion is

closed against him by the graduates at West Point, who always have the preference, and are more than sufficient to furnish the army with officers.

Whether the Government, in addition to furnishing the means of a military education, ought to feed, and clothe, and pay the Cadets, whilst they are receiving it, is a question well worthy of the attention of the committee to whom this subject may be referred. One thing is certain, that, whatever other sins may be fairly chargeable against the present Administration, they cannot be justly chargeable with the establishment of the Military Academy.

SPEECH, FEBRUARY 4, 1828,

ON RETRENCHMENT.[1]

Mr. Buchanan rose, and said, perhaps it would be vain to inquire by whom this debate was introduced. It is certain that we have now got into it, and no gentleman can predict when it will close. I cannot agree with the gentleman from Massachusetts, [Mr. Everett] that the Opposition are justly chargeable with its introduction in the party form which it has assumed, nor for its protracted character. My friend from Kentucky, [Mr. Letcher] has truly stated, what would have been the probable course of the resolutions, had it not been for the interference of the gentleman from Maryland, [Mr. Barney.] The mover of them, who is a young member of the House, would have made a speech in favor of their passage, and they would then have rested quietly with the numberless resolutions which have gone before them. The gentleman from Maryland, however, opposed their passage, upon the ground that no cause existed even to suspect the present Administration of any abuses. From that moment the debate assumed a party complexion.

This debate would have ended on Thursday last, after the solemn appeal for that purpose, which was made to the House by the venerable gentleman from Louisiana, [Mr. Livingston] had not the gentleman from Massachusetts himself prevented it, by moving an adjournment. That gentleman ought to know, that he can never throw himself into any debate, without giving it fresh vigor and importance.

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 1, pp. 1360–1377.

It is true that a single straggler from the ranks of the Opposition introduced these resolutions, but without the least intention of bringing on a general engagement. When he was attacked, he defended himself in gallant style, and we were obliged both by duty and by policy to sustain him. It is for that purpose I have risen. The gentleman from Massachusetts, [Mr. Everett] and my friend and colleague from Pennsylvania, [Mr. Sergeant] have entirely changed the character of the debate, and have gone into an elaborate vindication of the present Administration. It is my purpose to reply to their arguments.

My colleague commenced his remarks, by assigning several reasons why he would not have offered the resolutions which had been submitted to the House by the gentleman from Kentucky, [Mr. Chilton.] Against these reasons, with one exception, I have no complaint to make. My colleague has declared, that he would not have introduced such resolutions, because they might tend to injure the Government of the country, in the estimation of the People. Against this position I take leave to enter my solemn protest. Is it the Republican doctrine? What, sir, are we to be told that we shall not inquire into the existence of abuses in this Government, because such an inquiry might tend to make the Government less popular? This is new doctrine to me—doctrine which I have never heard before upon this floor.

Liberty, sir, is a precious gift, which can never long be enjoyed by any People, without the most watchful jealousy. It is Hesperian fruit, which the ever-wakeful jealousy of the People can alone preserve. The very possession of power has a strong—a natural tendency, to corrupt the heart. The lust of dominion grows with its possession; and the man who, in humble life, was pure, and innocent, and just, has often been transformed, by the long possession of power, into a monster. In the Sacred Book, which contains lessons in wisdom for the politician, as well as for the Christian, we find a happy illustration of the corrupting influence of power upon the human heart. When Hazael came to consult Elisha, whether his master, the King of Syria, would recover from a dangerous illness, the prophet, looking through a vista of futurity, saw the crimes of which the messenger who stood before him would be guilty, and he wept. Hazael asked, why weepeth my Lord? The prophet then recounted to him, the murders and the cruelties of which he should be guilty, towards the children of Israel. Hazael, in the spirit of virtuous indignation, replied—Is thy servant a dog that he

should do this thing? "And Elisha answered, the Lord hath shewed me, that thou shalt be king over Syria." This man afterwards became king, by the murder of his master, and was guilty of enormities, the bare recital of which would make us shudder.

The nature of man is the same under Republics and under Monarchies. The history of the human race proves, that liberty can never long be preserved, without popular jealousy. It is the condition of its enjoyment. Our rulers must be narrowly watched. When my colleague advanced the position which he did, he could not have foreseen the consequences to which his doctrine would lead. I know that he never could have intended that it should reach thus far; but yet my inference is perfectly fair, when I declare it is a doctrine which only suits the calm of despotism. It is the maxim of despots, that the People should never inquire into the concerns of Government. Those who have enslaved mankind, from Caesar to Bonaparte, have always endeavored, by presenting them with amusements, and by every other means in their power, to attract the attention of the People from the conduct of their rulers. I therefore differ, *toto caelo,* from my colleague upon this point. If the resolutions of the gentleman from Kentucky, [Mr. Chilton] shall have the effect of more earnestly and more closely directing the attention of the People to the concerns of the Government, the result will be most fortunate. If the Government has been administered upon correct principles, an intelligent People will do justice to their rulers; if not, they will take care that every abuse shall be corrected.

My colleague used an argument, for the purpose of sustaining the present Administration, which I should not have expected from that quarter. He has stated that, since the year 1816, the national debt has been reduced, from 126 to 66 millions of dollars. This is very true; and from the argument of the gentleman, one who was ignorant of the subject might be induced to believe, that a large portion of this reduction may be fairly attributed to the present Administration. He evidently endeavored to make this impression upon the House.

I would ask the gentleman what agency had the present Administration—nay, what agency could they possibly have had, in the reduction of the public debt? Are they entitled to the least credit upon that account? Certainly not. It was a subject over which they had no control. The laws which brought the revenue into the Treasury, out of which the debt was paid, existed long

before they came into existence. Commerce wafted into our ports wealth from all nations, and the duties which were collected on the importation of foreign merchandise, they were bound to apply to the extinguishment of the demands which existed against the country. The Administration only did that, which they could not have avoided doing. The money flowed into the Treasury without their agency, and they applied that portion of it which they were bound by law to apply, to the extinguishment of the public debt. I have hitherto admitted that they applied it fairly. The ancient British monarch, who, to show his People the impotence of human power, commanded the tides of the ocean not to flow, had no more authority over the laws of nature, than the present Administration could have had, in preventing the tide of wealth, out of which the public debt has been reduced, from flowing into the country. Men can never be entitled to credit for doing that which they could not have avoided. The praise, therefore, which the gentleman wishes to bestow upon the present Administration, for paying the national debt, is certainly not their due.

It is true that, in times like the present, the Republic is always most in danger. When the clouds of adversity are lowering over the country, and when direct taxation becomes necessary for the support of the Government, the People are watchful and jealous, and will then attend strictly to their own concerns. It is in the halcyon days of peace and prosperity, when the jealousy of the People slumbers, that abuses are most likely to steal into the administration of your Government. I charge not the present Administration with corruption; but I do most solemnly believe, that several of their measures have had a strong tendency towards it. I thank Heaven that, in these days, a "Military Chieftain" has arisen, whose name is familiar to the lips of even the most humble citizen of this country, because his services live in their hearts, who will be able, by the suffrages of the People, to wrest the power of this Government from the hands of its present possessors. No one else could, at this time, have successfully opposed the immense patronage and power of the Administration.

I think I have shown, that the present Administration have not the least claim to merit, for the payment of the public debt. It is a claim which has no foundation upon which to rest. It is one of the splendid generalities to which my colleague has resorted, which, when you come to examine minutely, vanishes from the touch.

I shall now leave my colleague from Pennsylvania, but with the intention of returning to him, after I shall have disposed of some of the arguments of the gentleman from Massachusetts, [Mr. Everett.] Before, however I commence my reply to that gentleman, I beg leave to make a few observations upon the last Presidential election. I shall purposely pass over every charge which has been made, that it was accomplished by bargain and sale, or by actual corruption. If that were the case, I have no knowledge of the fact; and shall therefore say nothing about it. I shall argue this question as though no such charges had ever been made. So far as it regards the conduct which the people of the United States ought to pursue, at the approaching election, I agree entirely with the eloquent gentleman from Virginia, [Mr. Randolph] (I cannot with propriety call him my friend,) that it can make no difference whether a bargain existed or not. Nay, in some aspects in which the subject may be viewed, the danger to the People would be the greater, if no corruption had existed. It is true, that this circumstance ought greatly to influence our individual opinions of the men who now wield the destinies of the Republic; but yet the precedent would be at least equally dangerous, in the one case, as in the other. If flagrant and gross corruption had existed, every honest man would start from it with instinctive horror, and the People would indignantly hurl those men from the seats of power, who had thus betrayed their dearest interests. If the election were pure, there is, therefore, the greater danger in the precedent. I believe, in my soul, that the precedent which was established at the last Presidential election, ought to be reversed by the People, and this is one of my principal reasons for opposing the re-election of the present Chief Magistrate.

Let us examine this subject more closely. General Jackson was returned by the People of this country to the House of Representatives, with a plurality of electoral votes. The distinguished individual who is now the Secretary of State, was then the Speaker of this House. It is perfectly well known, that, without his vote and influence, Mr. Adams could not have been elected President. After the election, we beheld that distinguished individual, and no man in the United States witnessed the spectacle with more regret than I did, descending—yes, sir, I say descending—from the elevated station which you now occupy, into the cabinet of the President whom he had elected.

"Quantum mutatus ab illo."

In the midnight of danger, during the darkest period of the late war, "his thrilling trump had cheered the land." Although among the great men of that day there was no acknowledged leader upon this floor, yet I have been informed, upon the best authority, that he was "*primus inter pares.*" I did wish, at a future time, to see him elevated still higher. I am one of the last men in the country who could triumph over his fallen fortunes. Should he ever return to what I believe to be correct political principles, I shall willingly fight in the same ranks with him as a companion—nay, after a short probation, I should willingly acknowledge him as a leader. What brilliant prospects has that man not sacrificed!

This precedent, should it be confirmed by the People at the next election, will be one of most dangerous character to the Republic. The election of President must, I fear, often devolve upon this House. We have but little reason to expect, that any amendment, in relation to this subject, will be made to the Constitution in our day. There are so many conflicting interests to reconcile, so many powers to balance, that, when we consider the large majority in each branch of Congress, and the still larger majority of States, required to amend the Constitution, the prospect of any change is almost hopeless. I believe it will long remain just as it is. What an example, then, will this precedent, in the pure age of the Republic, present to future times! The People owe it to themselves, if the election must devolve upon this House, never to sanction the principle that one of its members may accept, from the person whom he has elected, any high office, much less the highest in his gift. Such a principle, if once established, must, in the end, destroy the purity of this House, and convert it into a corrupt electoral conclave. If the individual to whom I have alluded, could elect a President, and receive from him the office of Secretary of State, from the purest motives, other men may, and hereafter will, pursue the same policy, from the most corrupt. "If they do these things in the green tree, what shall be done in the dry?" This precedent will become a cover, under which future bargains and corrupt combinations will be sanctioned; under which the spirit of the Constitution will be sacrificed to its letter.

I shall now, Mr. Speaker, enter upon a more particular reply to the arguments of the gentleman from Massachusetts, [Mr. Everett.] I wish I were able to follow the example of the gentleman from Virginia, [Mr. Randolph] and to take the general

and comprehensive views of political subjects, which he recommended. As I cannot pursue that course, I must enter into detail, and make such a speech as he would attribute to a lawyer.

What was the first important act of the present Administration? No, not the first, but the first after that message which certainly partook much more of the spirit of the "Statesman of 40 years," who had been bred in foreign courts, than that of the plain simple American Republican. The President claimed the power, and mere courtesy prevented him from exercising it, of commissioning ministers to attend the Congress of Panama, without "the advice and consent of the Senate." My friend from North Carolina, [Mr. Carson] was, in my opinion, correct, when he declared, that one of the first important acts of the President had been, to claim a power in direct violation of the Constitution. That instrument declares, that the President "shall nominate, and, by and with the advice and consent of the Senate, shall appoint, ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law." This is a clear, plain provision. Upon what authority, then, did the President claim the right to send Ministers to this Congress, without the consent of the Senate? The gentleman from Massachusetts [Mr. Everett] has answered the question, and has sustained this claim of power, by a most novel argument. He has read to us the act of Congress, of July 1, 1790, which provides, "that the President of the United States shall be, and he hereby is, authorized to draw from the Treasury of the United States, a sum not exceeding forty thousand dollars, annually, to be paid out of the moneys arising from the duties on imports and tonnage for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed." How commission? Without the advice and consent of the Senate? Certainly not; unless you can suppose that the very first Congress under the Constitution, deliberately intended to destroy the power which the Constitution had wisely conferred upon the Senate. The language of the act of Congress is perfectly consistent with the power of the Senate; because the President does, in fact, always commission public Ministers and other officers of the Government, after the Senate have advised and consented to their appointment. This phraseology was continued, in the several acts providing

the means of intercourse between the United States and foreign nations, until the year 1800, when the act of the 19th of March, 1798, the last in which it had been used, was suffered to expire. Since that time, no such expression has ever been introduced into any of the subsequent acts. And yet this phrase, which had been employed in acts that have long ceased to exist, was laid hold of by the President to justify this extraordinary claim of power. Whilst it affords no ground for his justification, it shows how desirous men in power are to lay hold of every pretext, no matter how trifling, to extend their authority. This is a law of nature, which can never be abolished by any law of man. It proves, conclusively, the wisdom and the necessity of watching over our rulers, with a jealous eye.

I shall now proceed to assail another position of the gentleman from Massachusetts, [Mr. Everett.] He argued against including in the resolutions before the House the contingent expenses of foreign intercourse. The gentleman shakes his head. He certainly did say, that it looked like trenching upon the prerogatives of the Executive. The gentleman believes that the expenditure of the contingent fund for foreign intercourse, is a prominent point before the House. I think so too.

The application of this entire fund is left to the sound discretion of the Executive, and is to be accounted for at the Treasury, in a two-fold manner. It is his duty to account specially, and produce regular vouchers, "in all instances, wherein the expenditure thereof may, in his judgment, be made public." When that is not the case, he settles the account, "by making a certificate of the amount of such expenditures as he may think it advisable not to specify." This last is called the secret service money. This is the distinction between the two portions of the fund. It is necessary for the good of the People, that the manner in which the secret service money is expended, should not be made public. If the names of those persons to whom it is given were not kept secret, the Government, in times of peril, might be prevented from getting important information, which they could otherwise obtain. But, Mr. Speaker, give me the Administration which requires but little secret service money, especially in time of peace. Indeed, I am inclined to believe, that none is then necessary. A Republican Government ought to be open in its conduct, and have as few secrets as possible. Upon one occasion, Jefferson returned the entire contingent fund, which had been appropriated for foreign intercourse, untouched.

I am just informed by the gentleman from Virginia, [Mr. Randolph] that Washington did the same. These are examples well worthy of imitation in our day.

I do not wish to know the manner in which the present Administration have applied the secret service money. I shall never knowingly invade a single right which belongs to the Executive. These resolutions contain no such principle; but one great reason, why they have found any favor in my eyes, is, that I wish to ascertain the aggregate amount, not the items, of the secret service money which has been expended since the present Administration came into power, and I wish to have a special account laid before this House, of the manner in which the residue of the contingent fund for foreign intercourse has been expended. This will be an invasion of no prerogative which belongs to the President.

I now approach the main argument of the gentleman from Massachusetts, [Mr. Everett] and in the commencement, I shall lay down a position broadly, which I believe I shall be able to prove conclusively—that the President of the United States did receive an outfit of $9000, whilst he was a Minister abroad, in direct and palpable violation of a law of the United States; and that at this day he retains in his pocket one-half of that sum, in opposition to the declared opinion of the Congress of the United States. If I shall not establish this proposition, I have never been more mistaken in my life.

In relation to outfits to be granted to public Ministers, all the acts of Congress which preceded that of the 1st May, 1810, spoke the same language. The gentleman from Massachusetts [Mr. Everett] gave us an historical sketch of these laws; but, as they are all the same in regard to the question I am now about to argue, I shall only refer to the act of the 10th May, 1800. It was that act, which ascertained the compensation of public Ministers, from its date, until it was repealed by the act of 1st May, 1810. I shall read its first section.

"*Be it enacted, &c.* That exclusive of an outfit, which shall, in no case, exceed the amount of one year's salary to any Minister Plenipotentiary, or Chargé des Affaires, to whom the same may be allowed, the President of the United States shall not allow to any Minister Plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his services and expenses: nor a greater sum for the same, than four thousand five hundred dollars per annum to a Chargé des Affaires; nor a greater sum for the same than one thousand three hundred and fifty dollars per annum to the Secretary of any Minister Plenipotentiary."

From the origin of the government, until the year 1810, the President clearly had the right to allow an outfit to a Minister, whom he might think proper to transfer from one European Court to another. The language of the act of 1800, and of the previous acts, is general and indefinite. Whether they would have justified him in making such an allowance, to a Minister whom he might have employed upon a new mission, the functions of which were to be exercised at the Court where he resided, is a question upon which I shall express no opinion.

The act of 1810 limited the general language of that of 1800, and confined the discretion of the President, in the allowance of outfits, to the case of a Minister "on going from the United States to any foreign country." The first section of that act, after fixing the annual compensation of foreign Ministers, Chargés, and Secretaries of Legation, contains the following enactment: "Provided, it shall be lawful for the President of the United States to allow to a Minister Plenipotentiary, or Chargé des Affaires, on going from the United States to any foreign country, an outfit, which shall in no case exceed one year's full salary of such Minister or Chargé des Affaires." This act, in express terms, limits the general expressions of former laws. It authorizes the President to allow an outfit to every public Minister, upon his first appointment, for the purpose of establishing him abroad. After he has received one outfit, and has gone from the United States to the Government to which he has been sent, in case he should be transferred from it to another Government, the President, since the act of 1810, has not had the power of allowing him a second outfit.

I am glad that the gentleman from Massachusetts [Mr. Everett] cited the cases which he has done, of the allowance of outfits to Ministers, by the Executive, upon transferring them from one European Court to another. If the gentleman had not done so, we might have been at a loss to account for the change of phraseology in the act of 1810, and the difference between it, and all former acts upon the same subject. The case of the outfit of Mr. Monroe, upon his transfer from England to France, and all the other cases brought into the view of the House by the gentleman, were determined, under former laws which clearly gave to the President power over the question. These cases are authorities against the gentleman; because they conclusively show the reason which guided the Legislature, in 1810, in changing the law, and in limiting the power of the

President, in the allowance of outfits to the case of Ministers, on their departure from the United States to a foreign country.

I may be asked, did Congress mean to declare, that no outfit should ever be allowed upon the transfer of a Minister from one Court to another? I answer, by no means. They intended to reserve to themselves the power of deciding, in each particular case, whether any new outfit ought to be allowed, and, if so, what should be its amount. If a Minister should be transferred from one extremity of Europe to another—from Lisbon to St. Petersburgh, a new outfit of $9000 might be necessary. But, in the case of a transfer from Lisbon to Madrid, there might be no occasion for any new outfit; and, if there were, the one-half of a full outfit, or even less, would probably be sufficient. The present Administration, in the estimates which they submitted to this House, at the last session of Congress, asked a second outfit of $9000 for our Minister at Mexico, because they intended to transfer him from the City of Mexico to Tacubaya, a distance of only eight or nine miles. Although I did not think it proper to allow a full outfit, in such a case, yet I was glad that the request had been made; because it showed that the Executive were returning to a correct construction of the law, in relation to this subject. It showed that the President was unwilling to follow the precedents which existed heretofore, upon the transfer of a Minister from one court to another; or otherwise he would have allowed him an outfit, without consulting Congress.

In my judgment, the act of 1810 is so plain, that he who runs may read. It is a universal rule of construction, that when a law delegates a special power to an individual, and confines its exercise to a particular case, that it necessarily excludes him from the exercise of general power, over all other cases. The act of Congress gave to the President the special power of allowing an outfit to a Minister, when he was leaving the United States and going to a foreign country; but yet, the act has received such a construction, that the Executive have claimed and exercised the power of allowing outfits, in all cases, without limitation, and without restraint. For this purpose, the contingent fund is used, in violation of the law.

It will not only be curious, but instructive, to mark the gradual progress of the Executive, until at length they repealed the act of 1810. In the month of April, 1813, the present President, then being our resident Minister at Russia, was appointed one of the Envoys Extraordinary, under the joint commission,

to treat with England. As this commission owed its origin to the mediation of the Emperor of Russia, the seat of the negotiation was to be at St. Petersburgh. A short time after the appointment, Mr. Monroe, then Secretary of State, transmitted to Mr. Adams, $9000, a full outfit; although, at the time, it was not contemplated that Mr. Adams should change his residence. The House will, therefore, observe that this was not even the case of a transfer from one court to another; but it was the allowance of a full second outfit to the same Minister, while he continued at the same court. The then President, when he directed the money to be sent, no doubt expected that Congress would sanction his conduct. Accordingly we find that an appropriation was asked to cover this outfit. The question was then brought before the Congress of the United States, for their determination, and was deliberately decided. A legislative construction was given in August, 1816, to the act of 1810, against this outfit; but Congress, exercising a liberal discretion, allowed Mr. Adams $4,500 instead of $9,000.

Sometime after this determination of the question, (too long, perhaps,) on the 23d June, 1814, Mr. Monroe wrote to Mr. Adams, in the following words: "It is necessary to apprize you, that, although a full outfit was transmitted to you by the Neptune, and intended to be allowed you by the Executive, as a member of the extra mission at St. Petersburgh, yet the Legislature, on a reference of the subject to them, for an appropriation, decided the principle by the amount appropriated, and the discussion which took place at the time, that half an outfit only could be allowed to a Minister, under circumstances applicable to your case. In your drafts on the bankers, and in your future accounts, you will be pleased to keep this deduction in view." After the present President had thus discovered, that the money was sent to him by mistake, did he submit to the decision of Congress? No, sir. Although, within the period of eight years, before his return to this country, he had received $115,000 from this "penurious Government;" yet he still continued to persist in retaining the whole outfit in his pocket. Congress gave a construction to their own law. They believed it had been violated, when an outfit of $9,000 was sent by the President to Mr. Adams; yet they liberally allowed him $4,500. Instead of accepting that sum with gratitude, he made a complaint against this "penurious Government," and denied the right of the Legislature of the Union to interfere. He declared "that the principle

which Congress would settle, by an ultimate refusal to allow the appropriation, could be no other than a principle to confiscate, without any alleged offence."

The next year, however, conveyed him good tidings from this country. On the 19th November, 1815, Mr. Monroe wrote a letter to Mr. Adams, marked "private," from which the following is an extract: "It was doubted whether the inhibition of a greater sum than one year's salary as an outfit, contained in the terms on going from the United States, might not be construed, as precluding an allowance by way of outfit, to any Minister who did not go from the United States. Mr. Erving's appointment to Spain involved the same question. It was wished to reserve the point for more deliberate consideration, than could be bestowed on it, when the letter of March 15th was written to you. I have now the satisfaction to inform you, that the subject has been maturely weighed, and that the result has been in favor of the outfit, on the principle that those restrictive terms, if applicable to Ministers already in Europe, are no further so, than to confine the allowance to them, within the same limit." This letter communicated to him that construction of the Executive Department, which, since it was made, has entirely repealed in practice the limitation upon the allowance of outfits, contained in the act of 1810, and secured to him his full outfit, in opposition to the will of the Legislature, which had been clearly expressed in 1813. From 1810 till November, 1815, this act was obeyed both in its letter and in its spirit. Then, and not till then, did it sink under Executive construction.

The accounts of Mr. Adams continued unsettled at the Treasury, a balance appearing against him, until after the passage of the general appropriation bill, in April, 1822. That act provided "that no money appropriated by the said act, shall be paid to any person for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable." In consequence of the existence of this salutary provision, the Comptroller of the Treasury refused to pay Mr. Adams his salary as Secretary of State, until his account, as a Foreign Minister, should be liquidated. He appealed from this decision to Mr. Monroe, the then President, and, in support of this appeal, cited the private letter which Mr. Monroe, when Secretary of State, had written to him in November, 1815, as conclusive of the question. In this appeal, he says, "that the President was authorized,

by the first section of the act of Congress, of 1st May, 1810, to make this allowance, cannot be questioned, under the construction which has uniformly been given to it, a construction applied upon full deliberation and advisement, and which has been admitted in other cases upon the settlement of accounts at the Treasury. For this construction, I refer to the copy of your letter of the 19th November, 1815, herewith submitted."

This subject was referred, by the President, to the Attorney General of the United States, and the construction which had been placed upon the act of Congress, by the Administration, in 1815, was fully sustained, in the broadest terms, by that officer. In his opinion, dated June 5th, 1822, he declares, that "the question of outfit is given to the President exclusively, and without limit, save only he is not to exceed a whole year's salary." And thus, sir, you perceive in what manner a law, which, in express terms, limited the exercise of the discretion of the President, in the allowance of outfits, to Ministers "on going from the United States to a foreign country," has become unlimited; and how the exclusive power over the question of outfit has been conferred upon the President. Notwithstanding this high authority, however, I think I have maintained my proposition, and established, conclusively, that Mr. Adams now retains in his pocket $4,500, in violation of the act of 1810 and in violation of the solemn legislative construction which it received, in 1813.

But, says the gentleman from Massachusetts, [Mr. Everett,] even if there were anything wrong in the settlement of the accounts of Mr. Adams, he is not to blame. He did not interfere—he left all these matters to the accounting officers of the Treasury. Is this the fact? Did he not receive the money, and does he not still retain it? Did he not refuse to refund it when it was demanded by the Comptroller? Did he not appeal from the decision of that officer, to the President of the United States? And was not his refusal to comply with the decision of Congress, the cause why the act of 1810 has received that construction, which has given to the President "exclusively, and without limit," the power over outfits?

There is one matter of fact, which I wish to put right, before I proceed further. Mr. Adams, in his account, on the 30th June, 1814, charged the sum of $886.86, the expenses of a journey from St. Petersburgh to Ghent. It is but just to him to say, that he had left his family behind him, at St. Petersburgh. He never did return from Ghent to St. Petersburgh; but, yet, there

was allowed to him the sum of $886.86, for his expenses in returning to that capital. This is what has been so often called his constructive journey. The construction, however, did not end here. After this allowance had been made, it was discovered that the travelling expenses of Mr. Bayard and Mr. Gallatin, from St. Petersburgh to London, and from thence to Ghent, amounted, for each, to the sum of $1,556.54. Their journey was accomplished chiefly by land. In the final settlement of the account of Mr. Adams, instead of $886.86, which had been at first allowed to him for the expense of a journey which he never made, he was allowed the sum of $1,556.54. The reason for this change, which is spread upon the face of the account itself, is, that he was at first allowed but $886.86, "under an impression that the same sum, charged by him for the journey from St. Petersburgh to Ghent, would be equal to the expenses of his return, but which now appears, would not have been the case, as that journey was made chiefly by water, but his return must have been by land, and by the same route as that taken by Messrs. Gallatin and Bayard, and equally expensive."

These are the facts. I shall not argue this point, but will leave it to my colleague and friend from Pennsylvania, [Mr. Ingham] and the gentleman from Rhode Island. I do not say that some allowance ought not to have been made to Mr. Adams, under the peculiar circumstances of the case. One thing, however, is certain; that he did receive $1,556.54, for the expenses of a journey which he never made; because he never did return from Ghent to St. Petersburgh.

[Here Mr. Randolph asked Mr. Buchanan to define what was a constructive journey.]

Mr. B. said, I cannot comply with the request of the gentleman from Virginia. If he cannot define it himself, no man in this House can.

But, it has been urged by the gentleman from Massachusetts, [Mr. Everett] that precedents sanction the allowance of the outfit to Mr. Adams. I admit there have been precedents in abundance since 1815; but it is against this very doctrine of "safe precedents," that I am now contending. On the fourth of March next, it will be seven and twenty years since the inauguration of Mr. Jefferson. What has been our history ever since? Each President has nominated his successor, as regularly as though the Constitution conferred upon him that power. During this period, each President has been called upon to sanction that

which he had done as Secretary of State. The line of "safe precedents" has been unbroken, and the first office in the world has passed as regularly to each succeeding Secretary of State, as the imperial crown ever descended from father to son. How is it possible that abuses can ever be corrected, under such circumstances? A trifling departure from the law to-day, becomes a precedent for a greater violation to-morrow; and whilst power continues to flow in one unbroken line, abuses must still continue increasing. There is no remedy for the People, but by breaking this line of safe precedents. It is this regular course of succession, which, in the lapse of time, destroys monarchies. The abuses which the father introduces, are sanctioned and extended by the son, until at length, after a few generations, the whole Government becomes tainted with corruption, and there is nothing left for the People, but the dreadful remedy of revolution. It is the principle against which I am now contending, without a special reference to any particular Administration. The People of the United States have at length determined to break this line of Cabinet succession, and to reverse the doctrine of safe precedents; and I trust and believe they will accomplish their purpose. Rotation in office—that salutary principle, in a Republican Government, which purifies the political atmosphere, and causes the successor to view, with a jealous and scrutinizing eye, the acts of those who have gone before him—has had no real existence, in the Federal Government, since the days of Thomas Jefferson. There has been a regular succession ever since. Is an abuse now pointed out? We are at once told, it is sanctioned by a precedent; the Monroes and the Gallatins have done the same thing, and why shall we not do so too? I answer, when the law forbids it, precedents ought to be disregarded. All the precedents which have existed since 1815, although they have violated, can never repeal the act of 1810.

I now come to that part of the argument of the gentleman from Massachusetts, [Mr. Everett] which relates to the billiard table. I should not have said one word upon this subject, did I not differ entirely, in relation to it, from the gentlemen from Virginia and South Carolina, [Mr. Randolph and Mr. Hamilton.] I admit that the expenditure of fifty dollars is a very little matter, and this has ever been the opinion of my friend from North Carolina, [Mr. Carson] who has been so often introduced into the debate. If there be any gentleman in the House, who regards fifty dollars less than he does, I do not know the man. The ques-

tion worthy of our consideration, is, not whether the price of the billiard table was paid out of the Public Treasury, or out of the private purse of the President; but whether a billiard table ought to be set up, as an article of furniture, in the House of the President of the United States? I am free to say, I think it ought not. In the State of Virginia, billiard tables are prohibited even in the mansions of private gentlemen, under very severe penalties. The gentleman from Virginia, therefore, cannot now indulge in this game at home: for I know him too well to believe that he would violate the laws of his own State. This shows the moral sense of the People of that ancient and respectable Commonwealth, in relation to the game of billiards. To use a familiar expression of their own, they do not go against either the exercise or the amusement of the play; but they know the temptation which it presents to gambling, and the consequent ruin which must follow in its train. It has a direct tendency to corrupt the morals of our youth. Indeed, I doubt whether there be a single State in the Union which has not prohibited the game of billiards. The People of the United States are generally a moral and religious People; a proper regard, therefore, for public opinion, for the scruples of the pious, ought to have prevented the first Magistrate of the Union from setting such an example. [Here Mr. Randolph observed, there was no law in the District of Columbia, against playing billiards.] Mr. Buchanan then said, the President of the United States is not only the President of the District of Columbia, but of the whole American People; and they condemn this and every other species of gambling. Ought, then, the man who has been elevated to the most exalted station upon earth, and whose example must have a most powerful and extensive influence upon the morals of the youth of our country, to set up a billiard table, as an article of furniture, in the House which belongs to the American People? He certainly ought not to keep such an article of furniture in that house, nor ought he there to play at the game. I should never have invaded his domestic retirement, for the purpose of discovering whether he kept a billiard table or not. I should never have been the first to bring this matter, either before the House, or the country. It has been brought here by others, and I felt it to be my duty to express my opinion upon the subject.

It has been said that Washington played at billiards. Be it so. I will, however, venture the assertion, that he never set up

a billiard table in the house which he occupied, at the Seat of Government, whilst he was President of the United States.

Descending from the man who occupies the most exalted station in the country, nay, in the world, to the Judges of your Courts of Justice, I would ask, whether public opinion, in any portion of this Union, would tolerate, that such a magistrate might establish a billiard table in his house, or even play publicly at the game?

Upon this subject, although I differ from the gentlemen from Virginia and South Carolina, yet I feel certain I do not differ from the People of the United States. They believe that the President ought never to have set such an example. Although I do not pretend to be a rigid moralist myself, yet these are my opinions.

I will now make a few remarks upon another subject, and then I shall have done with the gentleman from Massachusetts [Mr. Everett.] I do most sincerely, and from the bottom of my heart, regret, that the gentleman should have introduced the libel, which he says has been extensively circulated throughout the State of New Hampshire, into this debate. I never heard it before. I believe that the person to whom he has alluded is not only a lady by courtesy, but a lady by nature and education. I shall not credit one word derogatory to her reputation. I believe she would shrink from the idea of having her name introduced upon this floor, and thus sent over the United States in connexion with such a libel. I doubt, therefore, whether the gentleman has rendered her an acceptable service, in defending her before this House. I fear that he has exposed her to unjust and ungenerous attacks; although every feeling of honor, and every dictate of policy, will be roused for her protection. The man who attempts to destroy the character of a woman, destroys his own. The American People are chivalrous and generous in their feelings. If I were asked to say, what single circumstance has done Mr. Adams the most injury in Pennsylvania, I should answer, without hesitation, the unmanly, the ungenerous, and the unjust attacks which have been made—not by him, for I believe him to be wholly incapable of such conduct—but by the presses devoted to the Administration, against the pious, the benevolent, and the amiable lady of General Jackson. I hope none of the presses in the Opposition will follow this infamous example.

The lady to whom the gentleman has alluded stands high in

the public estimation, and in mine. I trust that her name may never be connected with the politics of the day; but that, freed from any public observation which might wound her feelings, she may be left to enjoy the consciousness of having done her duty in every station of life in which she has been placed.

I shall now return to my colleague from Pennsylvania, and after noticing a few of his arguments, I shall no longer continue to exhaust the patience of the House. He has introduced into this debate, the late mission of Mr. King to England; and has attempted to defend the Administration from any blame on account of its failure. I never have, and never shall, utter a single word against the memory of that distinguished man. I know his worth too well; I am proud to say that I believe I was honored with his friendship. The failure of the mission is fairly to be attributed to the neglect of the Administration, and not either to the illness or neglect of the Minister. It is not because he was sick, but because he never received any instructions from his Government, that we have lost our trade with the British West Indies. The negotiation between this country and England in relation to the West India trade, was nearly completed by Mr. Rush, in July, 1824. There was then but a single point of difference between the two Governments. This Government claimed the right to have its productions admitted into the British West Indies upon the same terms with those of the British colony of Canada. The British Government replied, that they never could yield to such a demand; and that, upon the same principle, they might claim to have the sugar of the West Indies admitted into the ports of the United States upon the same terms with that from Louisiana. When Mr. King left this country, if he had been instructed to yield this pretension, as Mr. Gallatin was afterwards instructed to do, the treaty would have been closed, and we should, at this time, have been in the enjoyment of the trade. Is it not clear, then, that the neglect of the Administration has occasioned the failure of the negotiation? Mr. King was sent from this country early in the Summer of 1825, and did not leave London until about the 1st of July, 1826. During the whole of that period, he never received a line of instructions in relation to the principal object of his mission. Although this trade was by far the most important point in dispute between the two Governments, it was as entirely abandoned as though a question about it had never existed. All that the Administration had to say to Mr. King, was, go to England, abandon our former claim,

and close the treaty; and we have every reason to believe the treaty would have been closed. When Mr. Gallatin afterwards went to England, he received such instructions, but it was then too late. Although I should trust but little to the friendship of the British Government towards this country, yet I must believe, from the testimony before me, that, if Mr. King had received the same instructions which Mr. Gallatin afterwards did, we should not have lost the trade.

But it is said by the President of the United States, in his last message, that, in losing this trade, we have actually lost nothing. What have we lost? It is true that our productions still find their way to the British West Indies, through the neutral islands and through Canada; but the farmers of Virginia, Maryland, and Pennsylvania, are compelled to pay the additional expense of the circuitous trade, both in the reduced price of the articles which we send to those markets and in the enhanced value of those which we receive in return.

There is also now a most unequal distribution of these losses among different portions of the Union. The direct trade with Canada is not prohibited; and thus we are playing into the hands of the British Government. It has been their policy to hold out every encouragement to this trade, so that they may have the carriage of our productions to their West Indies. Our flour, therefore, flows freely and directly through the St. Lawrence to the British West Indies; and thus, whilst the farmers in that portion of the Union enjoy all the benefits of a direct trade, those in every other portion are compelled to bear the burden of a trade that is circuitous.

But I am not yet done with this mission to England. Mr. John A. King went out with his father to London, as Secretary of Legation. In this character he was entitled to receive, under the act of 1810, at the rate of $2,000 per annum for his services. The illness of Mr. King prevented him from remaining in London until the arrival of Mr. Gallatin, who had been appointed his successor. He was, therefore, under the necessity of leaving his son behind him in charge of the legation, where he remained during the months of July and August, 1826, and then, upon the arrival of Mr. Gallatin, he followed his father to this country. Upon his return home, the President of the United States allowed him $4,500, the full outfit of a Chargé des Affaires.

Who is a Chargé des Affaires under the laws of this country? In every particular, so far as regards his powers, he is placed

upon the same footing with our foreign Ministers. His rank is lower, and he receives but the one-half of the outfit, and one-half of the salary. Officers of this grade, from motives of economy, have usually been sent from this country to inferior courts. The act of 1810 expressly provides, that, to entitle any Chargé des Affaires either to an outfit or salary, he must be appointed such by the President, with the advice and consent of the Senate, if in session; if not, he may be appointed by the President alone, who is, in that case, obliged to submit the appointment to the Senate, at its next session, for their advice and consent. This act also contains a negative provision on the subject, and declares that "no compensation shall be allowed to any Chargé des Affaires who shall not be appointed as aforesaid." A mere Secretary of Legation, such as John A. King was, who, from accidental circumstances, had been left in charge of our affairs during an interval of a few weeks between the departure of one Minister, and the arrival of another, is certainly not such a Chargé des Affaires as the act of Congress recognizes.

Outfits were intended to enable our public Ministers and Chargés to create establishments at foreign courts, where the law intended they should reside; but John A. King received his outfit upon his return home. Although he never was appointed a Chargé by the President, either with or without the consent of the Senate, yet he received a salary as such, for sixty days service, and an outfit, amounting together to the sum of $5,200. This outfit was given to him, not "on going from the United States," for the purpose of establishing himself in England, but upon his return from England to this country. Thus, at length, by the existence of "safe precedents," the Administration have been brought so far to violate the law, that they have allowed an outfit for returning home, instead of going abroad. [Here Mr. Randolph observed that this was an infit.] It is but just that I should admit that the Administration are not without precedents to sanction their construction of the law, although I do not believe that any one exists which goes the length of the case I have brought before the House. The existence of such precedents shows, in a more striking point of view, the necessity of returning to an economical and strict administration of the Government.

I have one word to say concerning the mission of Mr. Gallatin. If, under the existing laws, our Ministers do not receive a sufficient compensation to support them abroad (and upon this

point I should be disposed to rely much upon the opinion of my colleague) let their salaries be increased. I have heard, and I have given credit to the report, that Mr. Gallatin refused to go to England, unless upon the condition that he might return after one year's absence. If such a practice should prevail, our Ministers, in violation of the spirit of the existing law, will receive, by adding the outfit to the salary, $18,000, instead of $9,000, for one year's service. This is far from being the greatest evil which will flow from such a practice. You send a Minister abroad, but for one year; and as soon as he has established himself in the confidence of the Government to which he is sent, he is permitted to return home. In this manner, the public service may be seriously injured. I am against the practice.

I now advance to attack a position in the argument of my colleague, which I believe to be a perfect paradox. He asserted, and attempted to prove, that the patronage of the Government did not tend to strengthen but rather to weaken the Administration by which it was distributed. If that gentleman's character for candor were not above suspicion, as I firmly believe it to be, I should doubt his sincerity. To establish this position, he said that gratitude was a weaker passion than self-love, which I admit; and that, therefore, the Administration lost more by disappointing candidates, than they gained by their appointment. But does not the gentleman know, that, when a man is once appointed to office, all the selfish passions of his nature are enlisted, for the purpose of retaining it? The office-holders are the enlisted soldiers of that Administration by which they are sustained. Their comfortable existence often depends upon the re-election of their patron. Nor does disappointment long rankle in the hearts of the disappointed. Hope is still left to them; and bearing disappointment with patience, they know will present a new claim to office, at a future time.

In my humble judgment, the present Administration could not have proceeded a single year, with the least hope of re-election, but for their patronage. This patronage may have been used unwisely, as my friend from Kentucky, [Mr. Letcher] has insinuated. I have never blamed them, I shall never blame them, for adhering to their friends. Be true to your friends, and they will be true to you, is the dictate both of justice and of sound policy. I shall never participate in abusing the Administration for remembering their friends. If you go too much abroad with this

patronage, for the purpose of making new friends, you will offend your old ones, and make but very insincere converts.

But has the gentleman from Pennsylvania adverted to the consequences of his doctrine? There is no danger from patronage! If so, there is no occasion for jealousy on the part of the States, towards this Government. All the principles which actuated our fathers, which made them watch the Federal Government with Argus eyes, for the purpose of restraining it within the limits of the Constitution, were utterly vain. For my own part, judging from history, when this Government was commencing its operation, and when its patronage was comparatively small, it required the immense weight of character which the father of his country possessed, to put the wheels of the machine into successful motion. I think there was then more danger of a dissolution, than a consolidation of the confederacy. I should then, when the words had some meaning, have been a Federalist, rather than an anti-Federalist. I have been called a Federalist, and I shall never be ashamed of the name. The times have since greatly changed. The power and the patronage of this Government have been extended, and are felt in every neighborhood of this vast empire. There is now infinitely more danger of consolidation than of disunion; and the States should now be jealous of every encroachment upon their rights. The argument of my colleague would put them to sleep. Upon his theory, the British Government must be very weak; because it possesses ten, nay, I might say twenty-fold the patronage of this Government.

I shall now approach another branch of my colleague's argument. I fully assent to his general proposition, that it is both our duty and our interest to cultivate friendly relations with every civilized nation; and for that purpose we should interchange with them ministers and diplomatic agents. Our ministers, when sent to a foreign court, should remain there, and not return home at the end of the year. The question upon which I would say, I should join issue with the gentleman, did this expression not "smell of the shop," is in what manner ought our ministers to appear abroad? Ours is the only pure Republican Government upon the earth. All our habits and our manners ought to be congenial to the simplicity and dignity of our institutions. Among men of sense abroad, our ministers, attired in the style of country gentleman, would be more respectable, and more respected, than if they were bedizened in all the colors of the

rainbow. In every attempt to ape the splendor of the representatives of monarchical Governments, we must fail. The veriest menial of the most contemptible court in Europe, who appears abroad in the character of a foreign minister, will be able to eclipse in dress and in finery, the representatives of the American People.

What was the example of the ancient Romans? In the days of their purity and their greatness, did they ever attempt to vie with the splendor of the Asiatic despots whom they subdued? Did they send ambassadors to the East, clothed in gorgeous apparel? No, they went in the simple dignity of Roman citizens, clothed with the majesty and power of the Roman People: and they carried respect for the Roman name, wherever they went. It was upon this model that Dr. Franklin acted, when he appeared as our minister at the Court of France, in the plain dress of a country gentleman. He would have deserved immortality for this act alone. He set an example from which his successors ought never to have departed.

What is now the case? The last Administration have prescribed a uniform to be worn by our foreign Ministers. It consists of a military coat, covered, and glittering with gold lace, the cost of which is not less than 500 dollars, and a chapeau and small sword, corresponding with it, in splendor! And this dress is what my colleague has called the livery of the American People, which our ministers ought to be proud to wear! I protest against this dress being called the livery of the American People. It is not so. It is the livery of the last, and the present Administration. No gentleman, who valued his standing with the People of this country, would ever appear before them in such a garb. The People of the United States do not even know that such a dress has been prescribed for their Ministers abroad. In many instances it must make us appear ridiculous in the eyes of foreign nations. Imagine to yourself a grave and venerable statesman, who never attended a militia training in his life, but who has been elevated to the station of a foreign Minister, in consequence of his civil attainments, appearing at court, arrayed in this military coat, with a chapeau under his arm, and a small sword dangling at his side! Is not such a man compelled, by conforming to this regulation, to render himself ridiculous? "A military chieftain," who, in early life, had received his education at West Point, not the old "citizen soldier" who resides upon his farm, might sport a dress of this kind with some degree of grace; but what

a ridiculous spectacle would a grave lawyer, or judge, of sixty years of age, present, arrayed in such a costume? If the salary of our foreign Ministers be not sufficient to enable them to exercise that liberal, but plain hospitality, which belongs to the character of their country, I say again, let it be increased; but let them never forget, in their dress, or in their manners, the simple grandeur which belongs to the character of Republicans. I trust, that, ere long, the days of Franklin will again return.

The gentleman has informed us, that it is his opinion we ought to be represented at the Congress of Tacubaya, should it ever assemble. Whatever I may have thought of the Mission, I most heartily approved of the selection of the Minister. For one, I shall never sanction any improper allusions made upon this floor to that gentleman, in relation to this Mission. There is no man in the ranks of the Administration, whom I should rather see promoted, nor is there any man among them more deserving of promotion. If he should ever again go to Tacubaya, I should regret to see him in any dress, but in that of an American gentleman. In that costume, he will infinitely better represent his own character, and that of the American People, than if he were decked out in all the splendid uniform prescribed by the Administration. He will then set an example of plainness and simplicity, which may be useful to the Republics of the South.

The gentleman has awarded the laurel crown, to deck the brow of the Military Chieftain; but has decreed the civic wreath to the statesman ripened by the experience of 40 years. He has informed us, he was no prophet; and I believe the fates will never confirm his decree. I trust and believe, that the People of the United States will elevate the "citizen soldier" to the supreme magistracy of the Union. In that event, and after he shall have been tried by them, I venture to predict, that their award will entwine the civic wreath with the laurel crown; and that Jackson will live in the history of his country, as the man, of the present age, who was "first in war, first in peace, and first in the hearts of his countrymen." I believe that the annals of the human race will furnish but few examples of men, who were endowed by nature with rare and distinguished military talents, without, at the same time, possessing the capacity for civil command. It would be easy to quote a splendid catalogue of names, in proof of this assertion; but I shall only mention those of Pericles, Cincinnatus, Charlemagne, Alfred, Henry the 4th of France, Napoleon—and, above all, our own unequalled Washington.

I shall now descend from the lofty heights to which we have been soaring, and make a few remarks upon the resolutions which have *not* been before the House, for several days past. I should have been opposed to their introduction, had I been consulted upon the subject. I should be willing, in this particular, to take the sagacity of the gentleman from Virginia as my guide. I agree with him, that it is not our business to originate any proposition, except such as have the necessary legislation of the country directly in view. The party in this House, opposed to the re-election of the present President, do not require any caucussing to direct their conduct. The path of policy, as well as duty, lies open before them. They ought to do the Legislative business of the country, and then go home, leaving the great question of the Presidential election to be decided by the American People. They will think more of us, if we should let it alone. For these reasons, I shall not vote, during the present session, in favor of considering either the amendments to the Constitution, or the constitutionality of the old Sedition Law, or any other subject which must necessarily divert our attention from the business of the nation, to the politics of the day. Had any question been taken, I should not, at this time, have even voted in favor of considering the resolution to inquire into the expediency of placing a picture of the battle of New Orleans in the Rotundo of the Capitol. As to the resolutions, to what do they amount? Do gentlemen suppose that the character of the Administration is to be tried by a Committee of Accounts? I believe that there are some supernumerary officers in the Departments; but I do not think that the salaries, of such as ought to be retained, are too high. In less than three years, the late war gave rise to an expenditure of $120,000,000, beyond the usual amount. After its close, there were an immense number of accounts to be settled, which produced a new organization of the Departments, to meet the necessity of the case. These accounts have nearly all been liquidated; but still all the new offices and clerkships, which were then created, continue to exist, and others have been added. This is not so much the fault of the Administration, as of Congress. A reduction in the number of these officers and clerks, and a more strict and economical application of the different contingent funds, to the purposes for which they were intended, embrace everything which I expect the committee will be able to accomplish. They possibly may make some discoveries in relation to the past expenditures of the different contingent funds, which have not yet been brought before the House.

In conclusion, I must express my most sincere thanks to the House, for their polite attention; an attention which I do not, at any time, deserve; much less at this time, after they have been exhausted by so long and so fatiguing a debate.

REMARKS, FEBRUARY 11, 1828,

ON THE PRINTING OF DOCUMENTS RELATING TO THE COURT MARTIAL AT MOBILE.[1]

Mr. Buchanan said, I rise to express a sincere hope that the House may promptly decide this question. I fear, from the course which the debate has taken, that we may again find ourselves involved in a political contest. I call upon those gentlemen upon this floor, if there be any such, with whom my opinion has any influence, to avoid making this a party question. The House have already wasted sufficient time upon questions of that character. We have already withdrawn ourselves long enough from the public business of the nation, for the purpose of attending to the politics of the day.

What is the true, the intrinsic nature of the question now before the House? It is simply this: Shall the documents be printed with, or without, the report of the committee? What possible difficulty can arise in answering this question? No gentleman has objected to printing the report. Whether the documents shall be attached to the report or not, both will be read by the People of the United States. Then, why detach them from each other? Let them go together. The question, however, is one of so trifling a character, that I should vote in the negative, rather than be instrumental in producing another protracted party debate.

The Committee on Military Affairs have been, in my opinion, unjustly censured, because they took possession of the documents before they were printed. But was not the order of the House to refer, equally powerful with the order to print? The committee had at least as much right to the possession of these documents as the printer. One gentleman may have wished that the printing might be the first step, while another desired that the reference might have the precedence. How, then, are the committee censurable? If the printing had been delayed too long,

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, p. 1497. See supra, p. 275.

the House could and would have exercised a control over their committee.

If the House had wished the documents to be printed, without the commentary of the committee, they ought to have passed an order for printing simply. But at the same time that we ordered the printing, we sent the documents to the committee. For what purpose? Certainly that we might obtain their report: and now the only question is, whether the documents, and the report upon them, shall be printed together or separately? I shall vote that the commentary shall accompany the text; but yet I think it a matter of very little importance.

The only change which the committee have made in the order of the letters, is to place them in the order of their dates, and make the answer follow the letter to which it is a reply. No gentleman can wish to see the answer placed before the letter which gave birth to it. Mr. B. again expressed a hope that this might not become a party question, and produce a party debate.

REMARKS, FEBRUARY 14, 1828,

ON INTERNAL IMPROVEMENTS.[1]

Mr. Buchanan expressed his dissent from the opinions avowed by the two gentlemen who had preceded him. The true question ought to be distinctly stated. The act of 1824 sanctioned the policy, not of immediately entering upon a plan of internal improvement, but of preparing for it, by obtaining surveys, plans, and estimates, in relation to the various roads and canals, that were required throughout the country. The sum of $30,000 had been appropriated, not for a single year, but for a specific purpose, which purpose had not yet been accomplished. Many surveys were now in progress, which were not more than half completed, and the question was, whether the House would withdraw the means of completing them. A discussion of the general policy of the plan, was out of place on an appropriation bill. Whatever might be decided as to carrying such a system of internal improvement into effect, these surveys were of great advantage to the American People. Should that system never be adopted, this mass of information could not fail to be useful. The constitutional question of power did not

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 1513–1514.

fairly arise, on a proposal to employ the Engineers already at the disposal of the War Department, in a particular manner. Should the time ever arrive when we have more in the Treasury than we know what to do with, the argument of the gentleman from Virginia [Mr. Barbour] might have some force. But the question now was, whether the House would arrest these surveys? Mr. B. for one, would not do it. He would give the Administration the sum now asked, and would hold them responsible for its application.

REMARKS, MARCH 1, 1828,

ON THE USE OF THE HALL OF THE HOUSE OF REPRESENTATIVES.[1]

Mr. Buchanan said, he was pleased that the gentleman from New Hampshire [Mr. Bartlett] had moved the amendment now before the House; but he felt sorry there was not a better prospect that it would prevail. Sir, said Mr. B., I trust there is no gentleman upon this floor who would give any vote tending, in the slightest degree, to evince a want of respect for religion, with more reluctance than I should myself. It is for this reason that I shall trouble the House with a few remarks, explanatory of the vote which I intend to give in favor of this amendment.

When the practice of using the Hall of the House of Representatives as a place for public worship commenced, it was perfectly proper. And why? Because it was then necessary. At that time there were but few churches in this city, and they were not sufficient to accommodate all the persons who desired to attend public worship. At present, the case is altogether different. Many churches have since been erected, and there is now no longer any necessity that this House should be used upon the Sabbath, for the purpose of religious worship. There is an abundance of room in the different churches for the accommodation of all those who think proper to attend. Both the pastors and the people of these churches are proverbially polite to strangers. No member of Congress ever enters a church in this city, who is not immediately offered a comfortable seat. I believe I have been in nearly all of them, and can therefore testify,

[1] A resolution being before the House to prohibit the use of the hall, unless otherwise specifically ordered, "for any other purpose than the public business of Congress, and religious service on Sunday," Mr. Bartlett moved to amend the resolution by striking out the last clause. (Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 1702–1703.)

that no necessity now exists for converting this Hall into a place of public worship, for the accommodation of members of Congress. I have conversed with some of the clergy, and with other individuals of this city, upon the subject, and they all expressed but one opinion, and that was in accordance with the amendment proposed by the gentleman from New Hampshire.

From my own observation, I cannot say that I think this Hall is a very suitable place for public worship. Can there be any doubt but that a large portion of those who attend here, come from motives of mere idle curiosity? A love of novelty—a desire to see the Hall—attracts such crowds, that the members who attend can rarely be accommodated. I have often been unable to obtain a seat upon the floor, and when I did, I have generally yielded it up, from motives of politeness, before the end of the service. It has often been my fate, either to stand upon the promenade behind the seat which you now occupy, or to sit upon the steps outside of the bar of the House. There is nothing in the whole scene like what we have been accustomed to behold in a house of worship. When we enter a Church, which has been dedicated to the worship of the Deity, our attention is at once arrested and fixed by the order and solemnity of everything which surrounds us. Religious feeling is the natural offspring of such a place. But what is the case in this Hall? I have often been here, when people were continually entering, during the whole service, and thus producing continual confusion.

There is no necessity that this House should be used as a place of worship; and I feel confident that the great cause of religion is not advanced, but injured, by such a practice. We have two excellent Chaplains—pious and eloquent men—who pray for us alternately every morning. I should never think of dispensing with their prayers. These Chaplains both have respectable congregations in this City. We now deprive them of the religious services of their Pastors on the Sabbath, although we might attend the Churches in which they officiate, with much more comfort and convenience to ourselves, than we experience in this Hall. There is room enough for us all in the different Churches, and we should all be welcome. In voting for this amendment, therefore, I utterly disclaim the imputation which the gentleman from Kentucky, [Mr. Chilton] would attach to its friends, that they are opposed to religious worship.

This House has now become so dirty, that I have recently seen clouds of dust rising from the carpet to the ceiling, in

such a manner, as to obscure the view. It is perfectly notorious, that more dirt is brought into this Hall by the crowds who attend here upon Sunday, than during the whole remainder of the week. As the cause of religion does not require that we should submit to this inconvenience, for one, I am willing to close these doors upon the Sabbath. I am glad the amendment has been offered, although I think it is very doubtful whether it will prevail. I do not pretend to be a prophet; but yet, I shall venture to predict, that it will not be twelve months before we shall feel ourselves compelled to adopt it.

REMARKS, MARCH 24, 1828,

ON MEADE'S CLAIM.[1]

Mr. Buchanan said, I voted against the motion of the gentleman from Virginia, [Mr. Randolph] to lay this bill upon the table; because I believed, that in a few minutes its fate would have been finally decided, by a direct vote of the House, upon its engrossment.

I shall not suffer myself to be drawn into the debate, upon the general questions involved in this bill, neither shall I express any opinion in regard to the validity of Mr. Meade's claim. The suggestion made by the gentleman from Virginia [Mr. Archer] has no application to me; because I have read and carefully examined all the documents, connected with this claim, which have been published; and still I am not informed as to its nature. I ought not therefore to have formed any opinion upon the subject.

It has been admitted by the chairman of the committee who reported this bill, [Mr. Everett] that the royal certificate ought to have no effect upon our decision; and that it must be sustained by other documents, before this claim can be allowed. It is certain, that upon this certificate alone, the United States ought not to be made answerable to Mr. Meade. Why then are not the documents, necessary to sustain this claim, now produced? Where are they? In the possession of Mr. Meade? I believe not. We are then about to provide a tribunal for the examination of documents which may be in Spain, or may be, the Lord knows where. We are asked to call into existence a Board of Commissioners, but

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 1967–1968. See, as to Meade's claim, Moore, History and Digest of International Arbitrations, V. 4502–4506.

whether they shall ever act or not, will depend upon the contingency, whether Mr. Meade will ever be able to procure his vouchers. Let these vouchers be first procured; let Mr. Meade present them to the House, and let them be submitted to one of our committees; and if they should be too voluminous for its examination, then and not till then shall I vote to establish a Board. It is the first time I have ever heard of a claim sent by Congress to be audited, whilst the vouchers upon which it rested were not in the possession, and for any thing we know, might never be in the power of the claimant. Against this claimant I entertain no prejudice; on the contrary, my feelings are all of an opposite character; but I am not willing to establish a special commission to investigate his claim, before he has submitted to us any vouchers upon which it can be sustained.

[Mr. Everett here explained. He said he was informed that Mr. Meade had a large mass of documents in his possession ready to submit.]

Mr. B. proceeded. Sir, said he, this makes the case stronger against him, than I had ever supposed. If he had the documents upon which his claim is founded, or any part of them in his possession, why did he not submit them to the committee? And why did that committee rest their report upon the royal certificate alone, which is now admitted to be insufficient to establish the claim?

It has been said, that the passage of this bill, in its present form, will not commit the House upon this claim. I am far from being of that opinion. The bill proposes to appoint three commissioners, to examine and liquidate this claim, and report such items of it as they think ought to be allowed, together with the evidence. And am I to be told, that if we shall establish a tribunal to examine and to decide this question, that after they shall have reported their decision to this House, we shall be as free to act, as if there had been no such proceedings under our authority? Will this be the case, after we shall have asked and obtained the opinions of the Attorney General and two of the Auditors of the Treasury? It is true we may reverse their decision if we think proper; but it is equally certain, that the judgment of a judicial tribunal established by our own authority, must necessarily have an influence upon our decision. It will be *prima facie* evidence of the justice of the claim, and will relieve the claimant from the burthen of proof, and cast it upon the United States.

But, sir, I do not like to send a claim of this magnitude to

be decided by persons whom I do not know. The President may, in his discretion, appoint any two of the five Auditors of the Treasury. These Auditors are all equal in the eye of the law; but yet, there are some of them upon whose decision I should rely with much more confidence than upon that of others. I do not suppose that the Attorney General would leave the duties of his station to audit this claim. The business will, therefore, be chiefly transacted by the two Auditors who may be appointed.

I cannot perceive what the friends of the claim expect from the establishment of this tribunal, unless they suppose that its decision will have an influence upon our judgment. In what manner can it expedite the final determination of the claim? The bill does not propose that it shall be paid, until after Congress, at their next session, shall have acted upon the report of the Board. Why then should we not wait until the next session, when the vouchers, if they exist, can be produced to us; and, if then, the Committee on Foreign Relations shall not be able to examine and decide upon them, we can refer them to a Board of Commissioners. It is not even pretended that the vouchers are all here yet. We have seen none of them, and in the course of this long debate, I have never heard until this day, that any of them were in the possession of Mr. Meade.

REMARKS, MARCH 27, 1828,

ON THE DUTIES ON WOOLLENS.[1]

Mr. Mallary thereupon offered the following:

Strike out of the 2d section from the 1st to the 6th paragraph inclusive, and insert:

1st. On all unmanufactured wool 40 per cent. ad valorem, until the 30th June, 1829, afterwards five per cent. per annum in addition, until the duty shall amount to fifty per cent.

2d. On all manufactures of wool, or of which wool shall be a component material, except blankets, worsted stuff goods, bombazines, hosiery, caps, gloves, mits, and bindings, the actual value of which, at the place whence imported, shall not exceed fifty cents the square yard, shall be taken and deemed to have cost fifty cents the square yard, and charged with a duty to be paid and collected, of 40 per cent. on such cost, until the 30th day of June, 1829 —after which time, five per cent. per annum in addition, until the duty shall amount to fifty per cent.

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 2038–2039.

3d. All manufactures of wool, or of which wool shall be a component material, (excepting as aforesaid) the actual value of which, at the place whence imported, shall exceed fifty cents the square yard, and shall not exceed two dollars and fifty cents the square yard, shall be deemed to have cost two dollars and fifty cents the square yard, and charged with the amount of duty on such cost, and in the manner as is in this section before provided.

4th. All manufactures of wool, or of which wool shall be a component material, (except as aforesaid) the actual value of which, at the place whence imported, shall exceed two dollars and fifty cents, and not exceed four dollars the square yard, shall be deemed to have cost four dollars the square yard, and be charged with the amount of duty on such cost, and in the manner as is in this section before provided.

5th. All manufactures of wool, or of which wool shall be a component material, (except as aforesaid,) the actual value of which, at the place whence imported, shall exceed four dollars the square yard, and shall not exceed six dollars the square yard, shall be taken and deemed to have cost six dollars the square yard, and be charged with the amount of duty, and in the manner as is in this section before provided.

6th. All manufactures of wool, or of which wool is a component material, (except as aforesaid,) the actual value of which, at the place whence imported, shall exceed six dollars the square yard, shall be charged with the amount of duty, and in the manner as in this section before provided.

Mr. M. supported this amendment in a short explanatory speech; whereupon,

Mr. Condict, expressing a wish that the amendment just offered might be printed, moved for the rising of the committee; but withdrew the motion at the request of

Mr. Buchanan, who moved to amend the amendment proposed by Mr. Mallary, by striking out the third, fourth, fifth, and sixth paragraphs thereof, and also the following words from the second paragraph, viz: "the actual value of which, at the place whence imported, shall not exceed fifty cents the square yard, shall be taken and deemed to have cost fifty cents the square yard, and charged with "—and also the words, "on such cost."—[The purpose of Mr. B.'s amendment was to strike out the minimums from the amendments proposed by Mr. Mallary.]

He then signified a wish that the motion of Mr. Condict might prevail.

REMARKS, MARCH 28, 1828,

ON THE DUTIES ON WOOLLENS.[1]

The amendment offered to the bill by Mr. Mallary, Chairman of the Committee on Manufactures, yesterday, was read.

The amendment to the above, offered by Mr. Buchanan, of Pennsylvania, was then also read.

Mr. Buchanan said, I presume there will be no difficulty in understanding the effect of the amendment which I have offered. It proposes merely to strike out the minimums from the amendment offered by the gentleman from Vermont, [Mr. Mallary.] Should my motion prevail, then the amendment of that gentleman will contain a progressive increase of the present ad valorem duty of 33⅓ per cent. upon the importation of woollen goods, until it shall reach 50 per cent. During the first year, it will be 40 per cent., the second 45 per cent., and the third year it will attain the limit of 50 per cent. The increase of ad valorem duty will then amount to 16 2-3 per cent. The addition to the present duty upon coarse woollen cloths, costing in a foreign country not exceeding 33⅓ cents per square yard, will be much greater than what I have stated. It may be proper, should my amendment prevail, to make a discrimination in their favor, similar to that which exists under the present law. Should my motion prevail, the amendment offered by the gentleman from Vermont will still be open for other amendments. I have made this explanation, so that my purpose may be clearly understood.

I shall now, as briefly as possible, state the reasons which have induced me to move to strike out the minimums from the amendment of the gentleman from Vermont, [Mr. Mallary.] I shall not, at this time, discuss either the constitutionality or the policy of protecting domestic industry by legislation. I consider that these questions have long since been settled. This policy has been established, not under any particular excitement, not in high party times, but by all parties, and at all times. I admit that in our legislation we ought not to be bound by precedents; but yet it is equally clear that a uniform current of precedents, during a long period of years, furnish the highest evidence of the correctness of those principles upon which they are founded.

The system of minimums proposed by the gentleman from

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 2039–2045.

Vermont is an entire departure from the settled policy of the country. This policy has ever been to afford that degree of protection to domestic manufactures which would enable them to sustain a fair and successful competition with the manufactures imported from abroad. Our legislation has ever been at war with direct and immediate prohibition. In times past, it has been our policy gradually, not suddenly, to banish foreign manufactures from our markets. In this manner, the commerce employed by any particular branch of foreign manufactures is gradually diverted into new channels. No interest in the country sustains a shock. Even the price of articles, under such a protection, is but little enhanced in the beginning, and at the end of a few years it sinks below the old standard. We have acted upon these principles since the origin of the Federal Government. Since 1789, when the duty upon woollen goods was fixed at 5 per cent. ad valorem, the increase has been gradual until it has now reached 33⅓ per cent.

Let me ask this committee what would be the effect of the minimums recommended by the Harrisburg Convention, and proposed by the gentleman from Vermont? [Mr. Mallary.] No man can doubt but that it would be the absolute, immediate prohibition of a very large proportion of the woollen goods which we now import. Much as gentlemen may have differed concerning what would be the practical effect of minimums generally, no one has denied that these minimums would immediately, to a great extent, prohibit the importation of foreign woollens. Under the system proposed by the Harrisburg Convention, a square yard of cloth costing fifty cents, or below that price, would pay a duty of 28 cents. If, however, it should cost fifty-*one* cents, it would pay a duty of $1 40. Thus one cent of increase in the price would make a difference of $1 12, or more than 150 per cent, in the duty. In order to reach the second minimum, we must suddenly rise, from cloth costing 50 cents the square yard, to that which costs $2 50. Each square yard of cloth, then, which has cost any price above fifty cents, and not exceeding $2 50, without regard to its quality, must pay the same duty of $1 40. If, however, it should cost $2 51, then it will fall within the operation of the third minimum, of $4, and pay a duty of $2 25. Thus at this point it will be perceived that a difference of one cent in the price will make a difference of 85 cents in the duty. There is a fourth minimum, which embraces all cloths costing above $4, and not exceeding $6, the square yard, which will operate in a similar

manner. Cloth costing more than $6 the square yard will pay only an ad valorem duty. Thus it will be perceived that the system of minimums is not only complicated and arbitrary in its nature, but it is calculated to deceive the people of the United States. And why? The amendment of the gentleman from Vermont proposes to increase the ad valorem duty 16 2-3 per cent.; and to this point the public attention will be directed. But what will be the effect of the minimums which are covered under the veil of obscurity? I shall not make my calculations at the extreme points, because that might not be considered fair; but I shall take the intermediate prices between the minimums. They will be cloths costing $1 50, $3 25, and $5 per square yard. Upon the first class the duty would be increased by the proposed amendment, from 33⅓, the present rate, to 84 per cent. ad valorem. I need not pursue this calculation further. Every gentleman can do it for himself; and he will discover that it will lead to similar results.

In my opinion no combination of wool growers and woollen manufacturers, should ever attempt to dictate a tariff to the people of the United States. They would be more than men, if self-interest did not prejudice their judgment, and call forth propositions for their own benefit, at the expense of the community. The argument, therefore, that we should sustain this proposition, because it emanated from the Harrisburg Convention, is not entitled to much consideration; and more especially, as they have recommended a departure from the long settled and long approved policy of the country.

The gentleman from Massachusetts [Mr. Bates,] has asserted, if I understood him correctly, that the Legislature of Pennsylvania have sanctioned and recommended the proposition of the Harrisburg Convention respecting woollens. In this he is entirely mistaken. The Legislature of that State, with the practical wisdom which marks its character, have drawn the line between protection and prohibition; and whilst they have recommended the one, they have denounced the other. They have also recommended such a tariff as will operate equally, both upon the rich and upon the poor. This can never be the case under a system the principle of which is the higher the price between any two minimums, the lower the rate of duty. I shall read a few lines from the preamble to their resolutions. It declares, that "the best interests of our country demand, that every possible exertion should be made to procure the passage of an act of Congress

imposing such duties *as will enable our manufacturers to enter into fair competition with foreign manufacturers.*" And again: "*the people of Pennsylvania do not ask for such a Tariff as would secure to any one class, or to any section of the country, a monopoly.* They want a system of protection, which will extend its blessings as well as its burdens, as equally as possible, over every part of the Union—to be uniform in its operation upon the rich as well as the poor."

The amendment of the gentleman from Vermont, should it prevail, will be an absolute and immediate prohibition of nearly all the foreign woollens which are worn by the middle and poorer classes of the people. The cloth which they chiefly use, costs from 50 cents to $1 75 per square yard in England. All this class of foreign woollens will be immediately excluded. As soon as the law shall begin to operate, they will be subjected to a duty of $1 12 per square yard. This prohibition will annually become more extensive, because the second year the duty will be increased to $1 26, and the third year to $1 40 the square yard. When it shall attain its maximum, no cloth can be imported which will cost abroad between 50 cents and $2 25 the square yard. I will not turn to the testimony for the purpose of proving; because it is within the recollection of all, that these are the cloths which are worn by the mass of our fellow citizens; they are the cloths exclusively worn by the poor. Are the committee prepared, at once, to prohibit all this class of woollens? Although I am willing to go to a reasonable extent in protection, yet I never shall consent, at one deadly blow, to impose such an immense tax upon my constituents, for the benefit of the woollen manufacturers, as this amendment contemplates. It is true, our country is capable of producing wool in abundance, and we may soon erect factories in a sufficient number to supply the domestic demand, and thus reduce the price; but, in the mean time, the people would be compelled to pay extravagant prices for articles of the first necessity.

Before I come to speak more particularly of the minimums, I wish to correct a mistake into which gentlemen upon all sides of the House appear to have fallen. They seem to think that the amendment of the gentleman from Vermont, now before the committee, is the same with the Woollen Bill of the last session. This is not the case. That bill was a much less extravagant and less exceptionable measure than the proposition of the Harrisburg Convention. Had the Woollen Bill become a law, it would have

operated exclusively by means of its minimums. It did not propose any increase of ad valorem duty. The amendment now before the committee, whilst it proposes minimums much more extravagant in their operation than those contained in that bill, increases the rate of duty from 33⅓ to 50 per cent. ad valorem. The Woollens Bill of last winter contained an intermediate minimum of $1 50 between its first minimum of 40 cents and its third of $2 50; whilst the proposition now before us leaps at once from 50 cents to $2 50. Under the bill of last winter, the average ad valorem duty at the intermediate points between the minimums, on cloth costing abroad between 50 cents and 2 dollars and 50 cents, would not have amounted to 50 per cent.; whilst under this proposition it will exceed 80 per cent. Although that bill was justly considered extravagant, it bears no comparison with the proposed amendment.

I admit that the testimony before us is conclusive; that the woollen manufacturers require additional protection, and I am in favor of giving it to them, in the ancient ad valorem manner.

I have another remark to make on the amendment now before us. The gentleman from Vermont has dissolved the friendly union which the Harrisburg Convention had established between the wool grower and the woollen manufacturer. Whilst he has now proposed to give the wool grower an additional protection of only 20 per cent. ad valorem upon the importation of foreign wool, he has been urging the Committee to sustain the recommendation of that Convention in regard to woollens. He is willing to adopt their opinion in its utmost extent, in favor of the manufacturer, whilst he has abandoned it in regard to the wool grower. Some of the wool growers have shown so much good nature throughout this transaction, that I should not be astonished to hear from them that an additional ad valorem duty of 20 per cent. will afford them more protection than the duty proposed by that Convention. I do not wish to be misunderstood. I think the additional protection now proposed by the gentleman from Vermont, sufficient for the wool grower; although it bears no proportion to his proposition in favor of the manufacturer. It is the purpose of my amendment to reduce the protection which he wishes to extend to the manufacturer, so as to make it bear a just proportion to that which he has proposed in favor of the wool grower.

I congratulate the committee that the gentleman from New York [Mr. Storrs] has admitted that there ought not to be a dis-

criminating duty in favor of coarse wool costing 8 cents per pound and under. I take it this point is now abandoned. He said, and said truly, that the capacity of this country for the production of wool is unbounded, and that we are under no necessity to import coarse wool from foreign countries. The amendment of the gentleman from Vermont expressly yields this point, about which we have heard so much discussion; because it proposes the same rate of duty upon all wool, whether it be coarse or fine, in proportion to its value. This concession brings us nearer together, and makes it more probable, that a bill may pass.

I shall now undertake to prove, that the minimums, which the amendment proposes, will be premiums for the perpetration of fraud and of perjury. Let us take a single example for the purpose of illustration. The importer of a square yard of cloth costing fifty cents, will pay a duty upon it of 28 cents; but should it cost fifty-one cents instead of fifty, the duty would be $1 40. The same absurdity will be presented at and near each of the minimum points. What an inducement, then, does this amendment present for the commission of fraud! If the importer can, by any means, introduce foreign woollens into this country—which cost more than fifty cents abroad—at that price, or under it, he will save $1 12 per yard in the duty. This will be a direct premium of 1 12 on each yard for the commission of fraud and of perjury. It presents the strongest temptation to the importer and the foreign manufacturer to enter into a collusion for the purpose of deceiving the custom-house officers with false invoices. If successful, upon a single heavy importation, they would divide an immense spoil. We complain at present of fraudulent invoices, below the real price of the article, for the purpose of escaping a portion of the ad valorem duty. If such practices now prevail, of which, however, I have heard no satisfactory evidence, who can foresee the frauds and the perjuries which the system of minimums recommended by the Harrisburg Convention will call into existence?

Since the last session of Congress, I have made many inquiries in relation to what would be the probable operation of the minimum principle. The information which I have received, and my own reflections have confirmed me in the opinion, that they will disappoint the hopes of the manufacturers; unless the distance between them should be so great, that it would be but an indirect mode of establishing an absolute prohibition. Such would certainly be the effect of the minimums proposed by the

Harrisburg Convention, upon a very large proportion of woollen goods. They would at once prohibit more than one-half of all the woollens at present imported into the country.

The gentleman from Massachusetts, [Mr. Bates] has entertained us with an amusing and ingenious conceit. In order to illustrate his opinion of the absurdity of the bill recommended by the committee, he has imagined a peninsula, at the isthmus of which it was necessary to erect a wall, for the purpose of keeping out the ocean. He says the bill of the committee is this wall. It rises at first 1600 inches, then it sinks down to 32 inches, from which it rises perpendicularly till it reaches the height of 78 inches, from which it sinks to 40 inches—it then rises 100 inches, from which it again sinks to 40 inches. I am astonished that whilst the gentleman was building this wall, he did not feel the absurdity of the minimum system, generally. It is a correct delineation of it. The best rule by which to ascertain the correctness and congruity of a figure of speech, is to suppose the image which it presents were transferred to the canvass, and then to contemplate it as a picture. What kind of a spectacle would the mason work of the gentleman thus present? The system to which he is friendly would appear still more ridiculous. The wall which he is anxious we should erect, would rise at first 5600 inches, then it would sink to 56 inches, after which it would rise to 275 inches, from which it would again sink to 56 inches; it would then rise to 90 inches, from which it would again sink to 56 inches. The wall which the gentleman desires to erect, as well as that recommended by the committee, would leave the peninsula exposed at each of the low points. The waters would there rush in, and soon make fatal breaches. The foreign manufacturer will prepare his goods so as to send them into this country at the minimum points; and thus, by fraudulent invoices, he will introduce vast quantities of his manufactures, at a lower rate of duty than our laws intended. The protection expected from minimums will turn out to be in a great degree vain and illusory. They are novel—unprecedented expedients—which have never been sanctioned by experience. In practice, I believe they will be mere quack medicine; and although at first they may impose upon the people, they will at last meet the fate which they merit.

It has been said that they are sanctioned by the example of the cotton minimum of 30 cents per square yard. This I deny. There is a striking difference between a single minimum, such as

exists, in relation to cotton goods, and a graduated scale of minimums rising the one above the other, such as is now proposed in regard to woollens. Where there is but one minimum there can be no temptation to commit fraud. If the costs be below that minimum, you pay the minimum duty; if above it, you pay a duty ad valorem. Under the operation of the proposed system we have seen that, if you get one cent above the first minimum, it makes a difference of $1 12 in the duty. But if the cost rises above the single cotton minimum, the article pays only an ad valorem duty of 25 per cent. There is another strong objection to this system. We are the representatives of the people; and in passing laws for their government, we should make them so plain that the wayfaring man in the wilderness could understand their provisions. We have no right to render them unintelligible. I ask, then, how can it be expected that our constituents will understand the effect of these minimums, when we have differed so much among ourselves as to their operation?

The gentleman from New York [Mr. Storrs] yesterday professed, and I hope felt, great solicitude for the wool growers; but the principles upon which he argued against the bill reported by the committee, would prove that the Woollen bill of last winter, which he supported, would have afforded the manufacturer no additional protection. That bill left the present rate of ad valorem duty unchanged. In this respect the present bill is better for the manufacturers. The gentleman has taken the minimum points, and has shown that at the first of them the present rate of duty is not increased. He might have taken every point of the celebrated Woollens bill, and proved the same position. If the gentleman, instead of the first minimum point, had descended to the intermediate price of 25 cents, he would have found that the present rate of duty was increased to 65 per cent. So, at the second minimum, cloth costing $1 the square yard will pay a duty of about 36 per cent. ad valorem; but when you descend to the intermediate price of 75 cents, such cloths will pay 54 per cent. ad valorem, and this rate of duty will rise still higher as you descend lower, until you reach the first minimum of 50 cents. I wish to exhibit before the people the additional protection which we intend to bestow in its true light. I wish to increase the present rate of ad valorem duty. Then the nation will clearly understand our legislation; and we ourselves shall not be voting in the dark. I have arrived at the conclusion that minimums, unless they should be planted so far apart as to produce prohibi-

tion, whilst they will confer no great benefit upon the manufacturers, will deceive the people, and will blind the judgment of this House.

If the measure proposed by the Harrisburg Convention should be adopted, there is great danger that it may give birth to a system of smuggling which would deprive the manufacturer of all the encouragement which we intended to give. Under that proposition the one half of all the woollen goods imported into the country would pay a duty of more than 100 per cent. What a temptation would this present? Considering the vast extent of our coast, the people of the United States would be more than men, if some of them should not attempt to reap the golden harvest which smuggling would present. It would be a miracle if all should be so pure, that none would yield to the temptation. If you once corrupt the morals of the people in this respect, it will be like the letting out of waters. It will at last overwhelm all the protection which your laws intended to afford to domestic manufactures.

If you wish to adopt a prohibitory system you have not selected the proper course. You should follow the example of Napoleon. You should pass a direct prohibition, and confiscate and burn all foreign woollens which you can find in the country. This is the only mode by which you can carry prohibitory laws into effect. As long as you permit goods to enter the country at all, the higher your duties, the greater the temptation to evade them. Let us, then, tread in the plain path of our predecessors. The duty is now 33⅓ per cent. ad valorem. Let us raise it so much as to afford a fair protection to the woollen manufacturers. The people will then understand what we are doing. This has ever been my opinion. I was prepared to say much more, but shall refrain. I have performed a duty which I owed both to my constituents and myself in moving to strike out these minimums. I will not say that I shall vote in favor of no bill which shall contain minimums; but if I should, I shall do it with reluctance. I have examined the bill reported by the committee with the utmost care: I have taken the half-way points between the minimums, and have considered the effect of the bill, both below and above them: and I have arrived at the conclusion, that the bill, if it could be fairly executed, would afford more protection than an additional duty of 15 per cent. ad valorem; although at the minimum points the increase of ad valorem duty is but small. I shall not trespass further upon the patience of the committee.

REMARKS, MARCH 31, 1828,

ON THE SALE OF CERTAIN PUBLIC LANDS.[1]

Mr. Buchanan was persuaded that neither his friend from Georgia, nor any other person, could show the distinction between the terms exclusive jurisdiction, and exclusive legislation, as applied to the acts of Congress. Jurisdiction is the right to prescribe laws, and whoever has this, has supreme power. The two words were, in his judgment, as here used, precisely synonymous. The right of jurisdiction was entirely distinct from the right of property. He could not think there was any need to send the bill back to the committee for such an amendment. He would willingly have consented to substitute the word legislation for the word jurisdiction, had he known it would have gratified any gentleman, but since the bill had now been read a third time, he considered it improper to delay its passage for a difference between two words which were the same in substance.

The debate was further continued by Messrs. Wright, Gilmer, Mercer, Livingston, and Buchanan, when, at the suggestion of Mr. Wright, the motion of Mr. Gilmer for the recommitment of the bill, was withdrawn, and the proposed alteration was made by unanimous consent of the House.

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Mr. Buchanan briefly explained the several sections of the bill, in order. The United States are proprietors of land, which is in a course of sale. Certain forts, which were once on the frontier, have now, by the progress of settlement, come to be in the interior; they are no longer of any use, and the bill is intended to authorize their sale. The second section provides that the President may treat with the State authorities in relation to the jurisdiction over these forts; and the third section allows the owners, where private persons, to release their title to the United States. He hoped the gentleman from New York would not require a whole week to consider the bill.

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 2052, 2053.

SPEECH, APRIL 1–2, 1828,

ON THE TARIFF BILL.[1]

Mr. Buchanan, whose speech had been broken off by the rising of the committee yesterday, now concluded his remarks in reply to Mr. Sprague, in opposition to the amendment proposed by that gentleman.

[The annexed is a full report of Mr. Buchanan's Speech:]

Mr. Chairman: The gentleman from Maine [Mr. Sprague] has treated the Com. on Manufactures with too much severity. There was a bitterness of feeling manifested towards them, in some of his remarks, which I did not expect from that gentleman. He has even attempted to turn them into ridicule by comparing them with "the three wise men of Gotham, who went to sea in a bowl." This respectable committee have not only been denounced upon this floor; but I have been informed, upon the best authority, that thousands of pamphlets are now on their way to every portion of the Union, under the frank of members of Congress, charging them with insincerity, and with an intention to destroy that interest which they were bound to protect.

I take leave to tell the gentleman from Maine, it is not upon such declarations, whether they be made publicly in debate, upon this floor, or be circulated privately, in pamphlets, by members of this House, throughout the nation, that the American people will form their judgment. They will judge justly and impartially. They will look to actions rather than words. For the purpose of enabling them to decide who are the sincere friends of domestic industry, I shall, if I should be able to procure them, frank two or three hundred copies of the gentleman's speech, in pamphlet form, into my district.

In the remarks which I intend to make, I shall confine myself strictly to a reply to the arguments of the gentleman from Maine. I shall not attempt to follow him in his splendid career of eloquence. Even if I were able, upon any occasion, to be eloquent, Heaven defend me from such objects as hemp and molasses! Of all themes, for rhetorical effect, they are the very worst.

The gentleman commenced his remarks by asserting, that it had already been determined, we would afford no additional protection to wool and woollens; and that the provisions of the bill

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 2089–2110.

reported by the committee, if enacted into a law, would ruin both the wool grower and the manufacturer. After having assumed these positions, the gentleman proceeded to attack almost every other item of the bill.

Is the statement of the gentleman correct, that the bill affords no additional protection to the grower and manufacturer of wool? What is the truth of the case? I have felt, and still feel anxious, that a tariff should pass during the present session. No slight difference of opinion shall prevent me from giving such votes as shall be best calculated to accomplish this purpose. I gave the strongest evidence of such a disposition, when, a few days ago, I moved to strike out the minimums from the second amendment, offered by the gentleman from Vermont, [Mr. Mallary.] Had my proposition prevailed, fifty per cent. would have been added to the present rate of duty upon woollen goods, costing more than thirty-three and a third cents the square yard; whilst one hundred per cent. would have been added to the duty upon some of those articles costing less than that amount. I distinctly declared to the committee that I was prepared to vote for such a measure. This was a greater increase of ad valorem duty than has ever been made by Congress at one time upon any other article. How was this proposition received? Was there a single member from the Eastern States willing to meet the spirit of compromise which dictated my motion? No, sir. The language of one and all of them has been—We must have the amendment, in regard to woollens, recommended by the Harrisburg Convention, or we will have nothing. I did not expect support from the Southern members, because they are opposed, in principle, to any further protection to domestic manufactures. Deserted by both the East and the South, I found myself in a slender minority of thirty or forty votes; and thus ended my attempt to conciliate.

In the course of the debate upon my proposed amendment, the gentleman from New York, [Mr. Storrs,] to use a homely figure, let the cat out of the bag. He had been most laboriously employed, in making calculations, to ascertain whether the bill reported by the committee, or my amendment, afforded the greater protection to the woollen manufacturers. I am rejoiced, that upon that occasion, he descended from the lofty flight to which he usually soars, to figures; which, judging from his observations some days ago, I had thought he despised. His calculations brought him to the conclusion, that the bill was better for the

manufacturers than the addition of fifty, and, on some articles, one hundred per cent., to the present rate of duty. His speech has gone to the world.

I shall cheerfully submit to the public judgment whether the bill, although I dislike the minimum principle which it contains, does not afford sufficient protection to the manufacturers of woollens. I think it does; but I wish to be distinctly understood, in relation to myself, that I always stand ready, in a fair spirit, to do everything in my power to promote the passage of a just and judicious tariff, which shall be adequate for their protection; and that, for the sake of conciliation, and to effect this purpose, I am willing to sacrifice individual opinion to a considerable extent.

What, Sir, is the American System? Is it the system advocated by the gentleman from Maine, which would build up one species of domestic industry at the expense of all the rest, which would establish a prohibition and consequent monopoly in favor of the woollen manufacturer whilst it denied all protection to the farmer? Certainly not. The American System consists in affording equal and just legislative protection to all the great interests of the country. It is no respecter of persons. It does not distinguish between the farmer who plows the soil in Pennsylvania and the manufacturer of wool in New England. Being impartial, it embraces all. There is, in one respect, a striking difference between the farmer, the merchant, and the manufacturer. The farmer eating the bread of toil, but of independence, scarcely ever complains. If he suffers, he suffers in silence; you rarely hear him, upon this floor, asking redress for his grievances. He relies with that confidence which belongs to his character upon the justice of his country, and does not come here with importunate demands. The case is different in regard to the manufacturer and the merchant. When they feel themselves aggrieved—when they require the aid of your legislation, then complaints ring throughout the country, from Georgia to Maine. They never cease to ask, until they obtain. And shall this contented and uncomplaining disposition of the great agricultural interest, be used as an argument upon this floor against affording it relief? I trust not.

The gentleman from Maine has shown himself to be a true disciple of the Harrisburg Convention School. Even that convention, although the chief objects of their regard appeared to be wool and woollens, recommended further protection to iron, hemp, flax, and the articles manufactured from them, and to domestic distilled spirits. The gentleman from Maine has moved

to strike from the bill additional duties which it proposes upon the importation of foreign hemp and molasses; and in his speech, he has argued against any additional duties either upon iron, or steel, or flax, or foreign spirits. In his opinion, therefore, the American System can embrace no other interest except that of the growers and manufacturers of wool.

[Here Mr. Sprague explained. He said his observations upon the other items, besides those he had moved to strike from the bill, were only intended to illustrate what would be their effect on the navigating interest.]

Mr. Buchanan resumed. I perceive, from the gentleman's explanation, I did not misunderstand his argument. If this be the American System, I should like to know it as soon as possible; for then I shall be opposed to it. I venture to assert that, if those with whom the gentleman from Maine usually acts upon this floor have embraced the opinions which he has avowed, it is a vain, a culpable waste of time to proceed further with this discussion. Let the bill at once go to the tomb of all the Capulets. If the New England manufacturer must be protected, whilst the Pennsylvania farmer is abandoned—if this be the American System, instead of being a mourner at its funeral, I shall rejoice that it has met the fate which it deserved, and has been consigned to an early grave.

The Legislature of Pennsylvania has given us what, in my opinion, is the correct version of the American System. They have declared that "the best interests of our country demand that every possible exertion should be made to procure the passage of an act of Congress imposing such duties as will enable our manufacturers to enter into fair competition with foreign manufacturers, and protect the farmer, the growers of hemp and wool, and the distiller of spirits from domestic materials, against foreign competition. The people of Pennsylvania do not ask for such a tariff as would secure to any one class, or to any section of the country, a monopoly. They want a system of protection which will extend its blessings, as well as its burdens, as equally as possible over every part of the Union; to be uniform in its operation upon the rich as well as the poor." They have therefore instructed their Senators, and requested their Representatives, "to procure, if practicable, the establishment of such a tariff as will afford additional protection to our domestic manufactures, especially of woollen and fine cotton goods, glass, and such other articles as, in their opinion, require the attention of Congress, so

as to enable our citizens fairly to compete with foreign enterprise, capital, and experience, and give encouragement to the citizens of the grain-growing States, by laying an additional duty upon the importation of foreign spirits, flax, china ware, hemp, wool, and bar iron."

This resolution speaks a language which I am proud to hear from the Legislature of my native State.

If it be the disposition of a majority of the members of this committee to strike out of the bill iron, hemp, foreign spirits and molasses, no Representative from the State of Pennsylvania, who regards either the interest or the wishes of his constituents, will dare to vote for what would then remain. The time has forever past when such a measure could have received our sanction. We shall have no more exclusive tariffs for the benefit of any one portion of the Union. The tariff of 1824 partook much of this character; it contained no additional duty on foreign spirits or molasses, and only added five dollars per ton to the duty on foreign hemp. So far as the grain-growing States expected to derive peculiar benefits from that measure, they have been, in a great degree, disappointed.

What was the course which gentlemen pursued in relation to the woollen bill of the last session? I endeavored to introduce into it a small protection for our hemp and domestic spirits. We were then told that my attempt would endanger the fate of the bill; that the period of the session was too late to introduce amendments; and that if we would then extend protection to the manufacturers of wool, a similar protection should, at a future time, be extended to the agricultural interest of the grain-growing States. My respectable colleague [Mr. Forward] has informed the committee that he voted for the bill of the last session under that delusion. How sadly the picture is now reversed! When an interest in New England, which has been estimated at 40,000,000 of dollars, is at stake, and is now about to sink, as has been alleged, for want of adequate protection, it seems that gentlemen from that portion of the Union would rather consign it to inevitable destruction than yield the protection which the present bill will afford to the productions of the Middle and Western States. If they are prepared to act upon a policy so selfish, let them at once declare it, and not waste weeks upon a bill which can never become a law.

The gentleman from Maine endeavored to sustain his motives by attempting to prove that, if the duties proposed by the bill

should be imposed upon hemp and molasses, it would injure, nay, probably destroy the navigation of the country. Indeed he pronounced its epitaph. It is gone! Five cents per gallon upon molasses, and twenty-five dollars per ton upon hemp will sink our navigating interest; will sweep our vessels from the ocean! When I compare the storm of eloquence and of argument which the gentleman has employed to strike out hemp and molasses from this bill, with the object to be attained, he reminded me—

> "Of ocean into tempest tost
> To waft a feather or to drown a fly."

An additional duty of five cents per gallon on molasses and twenty-five dollars per ton upon hemp will consign the navigation of the country to inevitable and almost immediate destruction! This is the kind of argument which the gentleman has thought proper to address to the committee.

The gentleman from Maine has said that our navigation goes abroad unprotected to struggle against the world; and he has expatiated at length upon this part of the subject. I trust I shall be able to prove, without fatiguing the committee, that no interest belonging to this or any other country ever received a more continued or a more efficient protection than the navigation of the United States. I heartily approve this policy. I would not, if I could, withdraw from it an atom of the protection which it now enjoys. I shall never attempt to array the great and leading interests of the country against each other. I am neither the exclusive advocate of commerce, of manufactures, or of agriculture. The American System embraces them all. I am the advocate of all. When, therefore, I attempt to show to the committee the protection which has been extended by this government to its navigation, I do it in reply to the argument of the gentleman from Maine, and not in a spirit of hostility to that important interest.

In this attempt, I shall be greatly assisted by the remarks which I made in 1824, in reply to a then distinguished member of this House, from Massachusetts, [Mr. Webster.] Although many of the arguments which have been urged by the gentleman from Maine, bear a striking resemblance to those to which I then replied, yet I do not accuse him of plagiarism. The gentleman from Massachusetts, who is now the advocate of the American System, then led the van in favor of the doctrine of free trade. He was, upon that occasion, the member who replied to the great

speech which the present Secretary of State delivered, in support of our protecting policy.

The act imposing duties on tonnage was the third act which passed the Congress of the United States. It became a law on the 20th July, 1789. The act was afterwards repealed by the act of 20th July, 1790, which, however, re-enacted in substance the same provisions. Whilst these acts declare that ships or vessels of the United States, arriving from any foreign port or place, shall pay a duty of only six cents per ton upon each entry, they enact that all foreign vessels shall pay a duty of fifty cents per ton: What, then, was the extent of this protection against foreign competition? For the purpose of illustration, I shall follow the example of the gentleman from Maine, and make my calculations, throughout, upon a vessel of three hundred tons burthen. Under these laws, the tonnage duty which such an American vessel paid upon each entry, was only 18 dollars, whilst that levied upon a foreign vessel, of the same burthen, amounted to 150 dollars. I ask the gentleman, is this no protection? In addition to these discriminating duties in favor of our own tonnage, our laws, from the origin of the Federal Government, have added 10 per cent. to the rates of duties upon articles, when imported into this country in a foreign vessel.

In examining the debates of the first Congress, upon the subject of these discriminating duties in favor of our own navigation, I find they were strenuously opposed—upon the very principles which the gentleman from Maine has urged, in opposition to hemp and iron. It was then said, that this discrimination in favor of our navigation, would operate as a tax upon the farmer and planter, with whose produce our vessels were to be freighted, and that, for their benefit, there should be a fair competition between foreign and domestic tonnage. Experience has already demonstrated the fallacy of this argument, as it will demonstrate that of the gentleman from Maine, in case native hemp and native iron should be protected. If you select proper objects for protection, the inevitable consequence of the American System is, eventually to reduce, not to increase, prices. Domestic competition will always ensure this result.

What, sir, was the effect of this legislative protection upon our tonnage and navigation? Let Mr. Pitkin and Dr. Seybert answer this question. Mr. Pitkin, in his View, declares that, "these extra charges on navigation and commerce of foreign nations, were sufficient to drive from our ports the greatest propor-

tion of the foreign tonnage. All foreign nations were affected by the system we had adopted in favor of the ship owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular and permanent." Dr. Seybert, in his Statistical Annals, bears the same testimony. He states that our " discriminations operated powerfully in favor of our shipping. Vessels, not of the United States, of 200 tons burthen, on entering our ports, paid twenty pounds sterling, tonnage duty, and, for a cargo of £2,000 sterling, they paid £15 sterling, extra duty, more than did the vessels of the United States, of the same tonnage, and laden as aforesaid. These extra charges were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted; it seemed to operate like magic in favor of the ship owners in the United States. The diminution of the foreign tonnage employed in our trade, was, with very few exceptions, rapid, regular, and permanent."

On the 27th March, 1804, the Congress of the United States enacted, " that a duty of fifty cents per ton, to be denominated ' light money,' shall be levied and collected on all ships or vessels not of the United States," " to be levied and collected in the same manner, and under the same regulations, as the tonnage duties now imposed by law." This act increased the tonnage duty upon the entry of foreign vessels, from fifty cents to one dollar; and therefore, according to the existing laws, whilst American vessels upon each entry, pay a duty of only six cents per ton, foreign vessels pay one dollar. These acts are still in force, and apply to the navigation of all nations who have not, either by treaty, or otherwise, embraced the offer contained in the act of the 3d March, 1815.

This early and wise protection, which operated so powerfully in favor of our foreign tonnage, was still more decisive in its effect upon the tonnage employed in our coasting trade. In this trade, the voyages from port to port of the United States, being, comparatively speaking, but short, the burthen of fifty cents per ton upon each entry imposed upon foreign vessels, was so onerous, that, in its effect, it soon amounted to an absolute prohibition. In this manner, our own navigation was put in the exclusive possession of the coasting trade, long before the act of 1817 declared " that no goods, wares, or merchandise shall be imported, under penalty of forfeiture, thereof, from one port of the United States,

to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power."

This act, which, in express terms, prohibited foreigners from all participation in that trade, had no practical effect; because the former discriminating duties had proved to be completely prohibitory.

Whilst the Congress of the United States afforded efficient protection to the ship owner, they did not forget the ship builder. The construction of ships is a most important branch of domestic manufactures, and one which has always been protected by prohibition. American ship builders have always enjoyed an exclusive protection. Your laws very properly naturalize a foreigner after a residence of five years, but no length of time is sufficient to naturalize a ship built in a foreign country. To constitute "a ship or vessel of the United States," it is necessary, not only that it should be owned by a citizen or citizens thereof, but that it should have been built within the same. The two exceptions to this general rule, embrace those vessels which are captured by our citizens from a public enemy, and declared to be lawful prize, and those which are condemned for a violation of the revenue laws. There never was a period, in the history of the Federal Government, when an American citizen could purchase from a foreign ship builder, a vessel built in a foreign country, and have her so naturalized under our laws, as to free her from the imposition of our discriminating duties. The ship builder and the navigator have always moved hand in hand. The same kind of encouragement was afforded to both, and the same success attended that encouragement. We are now able to manufacture ships much cheaper, as I shall show hereafter, than they can be manufactured in Great Britain.

In the two first acts of Congress, to which I have referred, imposing duties on tonnage, there is a provision which shows with how much solicitude we regarded the manufacture of ships. They contain an exception in favor of vessels built within the United States, and belonging to foreigners. Upon such ships the tonnage duty of fifty cents, exacted upon each entry of a foreign vessel, was reduced to thirty cents. And yet, after all the protection which has been extended to our ship building and navigation, if we are to rely upon the argument of the gentleman from Maine, these great interests of the country are in the very grasp of death; and the small additional imposts, upon hemp and iron,

proposed by this bill, will probably be the last ounce which will break the back of the camel!

The navigation employed in our coasting trade is completely protected, from all foreign competition. It enjoys a monopoly. Would it then be unreasonable, if the domestic growers of hemp, and manufacturers of iron, should demand at your hands a similar prohibition in their favor; so far as respects the hemp and iron necessary for the construction and repair of those vessels which are employed in that trade? They have made no such demand. We propose no prohibitory duty. The Committee of Manufactures have proceeded with great moderation in framing their bill. Indeed I think they are justly liable to censure for the slight—the insignificant additional protection of ten cents per gallon upon foreign spirits. I ask, should the duty be less upon a gallon of foreign spirits, than upon a gallon of Madeira wine, which, under the existing law, pays one dollar? They should both be taxed as articles of luxury. If the rich choose to indulge in their use, let them pay for that indulgence. Indeed, the argument is much stronger in favor of a higher duty on foreign spirits, than on Madeira wine. The use of that wine interferes with no domestic production; whilst each gallon of foreign spirits consumed in the country, takes the place of a gallon domestic spirits distilled from the grain of the farmer.

But I have digressed from my subject. Our foreign navigation, like every other interest which has been judiciously selected, soon required no protection to sustain it. By the year 1815, it had become so powerful, that it was prepared to contend against the navigation of the world. All it wanted was a fair field, and the blessing of Heaven upon the contest. The infant had become a giant, ready to go forth, glorying in his might and confident of victory. It then needed no discriminating duties for its protection. It desired nothing but an equal competition with the world. This Government, since that time, has devoted itself with as much anxiety and zeal to obtain for it a free trade with all nations as it had done to protect its infancy against foreign competition. Its true interest equally dictated both systems of policy. By the act of the 3d March, 1815, we declared that we would admit into our ports the vessels of every nation, carrying articles the produce or manufacture of such nation, without levying any other tonnage or impost duty than was levied on American vessels; provided, such nation would admit into their ports American vessels, laden with American produce or manufactures, without imposing any

impost or tonnage duty beyond that which was paid by their own vessels. This act proclaimed a challenge to the world. It was the foundation of all our future policy in regard to navigation. Its wisdom has been tested by experience. We know that no nation on earth can compete with our navigation upon equal terms.

A few years after the passage of this act, we embarked in what was considered by many a knight-errant expedition, in favor of our navigation. The long established policy of Great Britain had locked up her colonial possessions, against the navigation of all other nations. She thought she had a right to maintain this monopoly. In the face of all her ancient prejudices in favor of her own navigation, the Congress of the United States passed a law in April, 1818, which declared, "that the ports of the United States shall be and remain closed against every vessel owned wholly, or in part, by a subject or subjects of His Britannic Majesty, coming, or arriving from any port or place that is, or shall be, by the ordinary laws of navigation or trade, closed against vessels owned by citizens of the United States." The provisions of this act were considerably extended by those of the supplementary act of May, 1820.

Upon whom did the navigating interest of the country rely, for achieving a victory over the British colonial policy? Upon the patriotism and perseverance of the farmers and planters of your country. They are the persons who were chiefly injured in this struggle. The British Government were willing that there should be a direct trade between our country and their colonies; but they insisted, that it should be carried on exclusively in their own vessels. To the farmer or planter, it could make little difference, whether his products were carried to the West Indies in an English or an American vessel. In either case, they could be exchanged for the same quantity of the products of those Islands. The contest was altogether for the carriage; and its result depended chiefly upon the question—whether our citizens, interested in the trade of the British colonies, or those colonists, could the longest, and with the most fortitude, endure its destruction. I well recollect the very able memorial from Norfolk, which painted, in glowing colors, the extreme distress to which the loss of that trade had given birth. It declared, that under the operation of the existing laws, their farmers, their merchants, their dealers in timber and lumber, in fact all classes of their citizens, were deprived, in a great measure, of their former resources, and

were, many of them, burdened with debts which they are unable to pay. I also recollect the very able and satisfactory report which you, [Mr. Newton,] as Chairman of the Committee of Commerce, presented upon the subject. It convinced me, that the policy which we were then pursuing, was correct. At length the farmers—and other citizens of this country—at the expense of much pecuniary suffering, extorted from the British Government the act of Parliament of the 24th June, 1822. By this act, Great Britain surrendered her monopoly, and opened her West India trade to our navigation.

In what manner have we now lost that trade? The gentleman from Maine has thought proper to introduce this question into the debate, and I shall follow him in my reply. The patience and the perseverance of our agriculturists compelled Great Britain to open her colonial ports. How have they been closed? The gentleman casts the blame altogether upon the British Government. I do not stand here as the apologist of that Government. It is probable they were glad to be furnished with so good a pretext for closing their colonial ports against our navigation, as the conduct of the present Administration afforded.

But, sir, is it not an historical fact—for the truth of which I appeal to every gentleman upon this floor, that Great Britain, in 1824, offered to regulate, by treaty, our trade with her colonies, which she had opened in 1822, by legislation? Were not the terms which she proposed perfectly satisfactory to our government, with a single exception? We insisted that our productions should be admitted into the British West Indies, upon the same terms with those of the British colony of Canada. Great Britain resisted this attempt upon our part, to dictate the manner in which she should regulate her own trade, between her own colonies. She said, that to abandon this power would be a forfeiture of her independence. Upon this point, and this alone, was the negotiation suspended. It was in our power, at any time within two years, to have nailed Great Britain fast to the counter. She could not, in the face of the world, have violated her plighted faith, without losing her character among the nations. Yet this offer of a treaty (which, it is now admitted by all, we ought to have accepted) was not accepted, until the time had passed when it was in our power to obtain it.

What have been the consequences of the loss of our direct trade with the West Indies? The President of the United States, in his last annual message, has told us, that neither our com-

merce, nor our navigation, nor our revenue, has suffered in consequence of its loss. He has not informed us—he could not inform us—that our agriculture has not suffered. What is the present course of this trade? The owners of the agricultural products which are carried to the West Indies pay two freights, instead of one. This is also the case in regard to the productions of the West Indies which are brought to this country. An American vessel, laden with flour, proceeds to one of the neutral islands. She thus earns her freight. Her cargo is landed, is subjected to a mercantile profit. A British vessel then arrives, and carries the same cargo from the neutral to the British island; and thus she earns her freight also. There are two voyages instead of one, both going to and returning from the British West Indies. Thus both British and American navigation flourish. Each enjoys the same, or nearly the same profits, to which both are entitled; and the agricultural interest pays the whole additional expense. Well might the President inform us our navigation had not been injured by the loss of the direct trade. I am opposed to this trade, as it is now conducted. It is a heavy burthen upon agriculture. I trust that a Minister may speedily be sent to England, and that we may ascertain whether it is the intention of Great Britain thus for ever to shackle this trade. If it be so, I care not what administration may be in power, it shall be sustained by me, in any reasonable attempt to obtain justice from the government of that country.

Some time ago, I received a letter from a gentleman in Virginia, which contained much able argument and valuable information. Among other things, it refers to the opinion of a distinguished gentleman, late our minister to England, but now no more, upon the subject of foreign spirits and molasses. That gentleman (of whom I never have spoken, and never shall speak, but in terms of the highest respect,) when the bill concerning navigation was before the Senate, which was afterwards enacted into a law, on the 18th of April, 1818, made the following remarks: "We have the power, and hereafter it may become our policy, as it is that of other countries, to resort to a regulation, the effect of which would go far to balance any disadvantage arising from the loss of the English colonial markets. We import annually upwards of six millions gallons of rum, more than half of which comes from the English colonies. We also import, every year, near seven millions of gallons of molasses; as every gallon of molasses yields, by distillation, a gallon of rum, the rum im-

ported, added to that distilled from imported molasses, is probably equal to twelve millions of gallons, which enormous quantity is chiefly consumed by citizens of the United States.

"If the importation of rum and molasses for distillation be prohibited, it would require four millions of bushels of grain for distillation, to supply an equal quantity of ardent spirits, and in this way, our agriculture would be indemnified for the loss it might suffer by losing the English colonial markets."

We have not lost the English colonial markets, but we have lost our direct trade with them. The event which Mr. King apprehended, has now, in a considerable degree, become matter of history. The contingency has happened; and yet what have the Committee on Manufactures recommended? The prohibition of foreign spirits and molasses, which Mr. King suggested? No! merely an addition of ten cents per gallon to the present duty paid by foreign spirits, and five cts. per gallon to the duty paid by molasses; and yet, if we are to yield our faith to the arguments of the gentleman, this increase of duty will, in its consequences, destroy our fisheries, and drive our fishermen from the ocean.

I shall mention one other example, to show with what care this government has fostered its navigation. France, immediately after she was freed from the long and desolating wars in which she had been engaged, turned her attention towards her commercial marine. It was a principal object of her policy to increase her tonnage. For this purpose, she established discriminating duties in favor of cotton, tobacco, and potashes, imported in her own vessels, which were equivalent to a tonnage duty of from $18 to $21 per ton. On the 15th May, 1820, we passed an act which imposed a countervailing duty of $18 per ton upon all French vessels entering the ports of the United States. The consequence of this measure was, the suspension, in a great degree, of the direct trade between this country and France. Who chiefly suffered by this suspension? The tobacco and cotton planters of the South. But they suffered with patience, because they thus expected to acquire for our navigation the carrying trade to France. We were successful, and in June, 1822, France yielded to our demands; and the consequence has been, that our navigation has acquired nearly the whole carrying trade between the two countries. Give our navigation an equal chance, a free and an open sea, and we know that we can maintain a successful competition against the world. I ask the gentleman from Maine, after this review of our legislation, whether he will now say that our

navigation has received no protection? We protected its infancy by our legislation; and after it had risen superior to all foreign competition, we have exerted all our energies to obtain for it a free trade, well knowing that upon equal terms, it must and would be successful against the navigation of any other nation.

Let us now, sir, examine the calculation which the gentleman has made for the purpose of proving that our navigation cannot sustain the additional duties proposed by this bill, upon foreign hemp and foreign iron. The Committee on Manufactures, before they reported their bill to this House in January, 1821, addressed certain questions to the mercantile society of New York; two of which, with the answers, I shall take leave to read to the committee.

Question. What is the cost of a British ship, of say 300 tons? What of an American of the same force and burthen; and, generally, the difference in the price of shipping, by the ton, in each country, completely equipped?

Answer. A British ship of 300 tons, equipped for sea, will cost $24,000, or $80 per ton. An American ship of the same quality, will cost $18,000, or 60 dollars per ton.

Question. The quantity of iron and cordage to the 100 tons of shipping?

Answer. It will require four tons of iron, 1,500 pounds of copper bolts, 4¼ tons cordage, and 20 bolts of duck, to the 100 tons.

In answer to another question, the same society state, that "foreign vessels would not have a preference, in our ports, over American built vessels, unless at a reduction in freight of 25 per cent. or advantages equivalent, at the port of destination."

When the gentleman was estimating the additional tax, which he alleges this bill would impose upon the navigation of the country, and was comparing it with the duties imposed by the laws of Great Britain upon the importation of hemp and of iron, and their manufactures, he must have forgotten that timber was the great and primary material which entered into the construction of a ship. In England they are compelled to purchase this article in foreign countries, and to pay the heavy expense of its transportation, whilst we possess it in abundance at home. This is the reason why a ship of 300 tons, in 1821, could have been built in this country for the sum of 18,000 dollars; whilst the same vessel in England would have cost 24,000 dollars. The gentleman has stated a valuable fact to the committee, in relation to the present cost of ship building. He has informed us that American vessels are built at the present time for 50 dollars per

ton. If this information be correct, then the difference between the cost of two vessels of the same quality, and of 300 tons burthen, would amount to 9,000 dollars. What then are we to think of an argument, intended to prove that the addition of 378 dollars to the cost of an American vessel of 300 tons burthen, may probably break down our navigation, and drive our flag from the ocean? A ship in England costs sixty per cent. more than a ship in this country. If the additional duties proposed by this bill should even become a permanent tax upon our ship building, it would amount to only 2½ per cent. upon the first cost of the vessel. This would never be felt by our navigation. It would be but a drop compared with the ocean. It is both ungrateful and unjust for the navigation of the country, after it has been uniformly sustained by the agricultural interest, to turn round upon its benefactor and say, that, although you have protected us in infancy, and have watched over our manhood with parental tenderness and solicitude, yet we will not, in the day of your distress, grant you the trifling boon which you now solicit.

But I cannot concur in opinion with the gentleman, that the proposed increase of duty upon the hemp and iron, and their manufactures, will, after a short time, be any tax upon our navigation. On the contrary, in a very few years, it will reduce the price of those articles below their present value. Upon what principle does our protecting policy rest? It is this: select proper objects, and protect their growth, or their manufacture, whilst in infancy, against destruction from foreign competition, and American skill and American industry will soon furnish them to the consumer cheaper than they can be procured from abroad. This principle lies at the very foundation of the tariff system. Abandon it, and the whole fabric is destroyed. What would the gentleman from Maine say to me, if I were to turn the argument which he has urged in opposition to hemp and iron, against wool and woollens? If I were thus disposed, I might say you have proposed a duty upon these articles, which will greatly increase the price of woollen cloth. The agricultural interest of the country is at present very much depressed. The laboring man who now earns his daily bread by his daily toil, can scarcely acquire wherewithal to clothe his wife and children, and protect them from the winds of Heaven. His family are already suffering under the pressure of want, and will you grind him to the dust, by taxing the clothing which covers his nakedness, 50 per

cent. for the benefit of the wool grower and woollen manufacturer? If I were to use such an argument, and afterwards profess to be a tariff man, I should expect no credit for sincerity. In voting additional protection to wool and woollens, I shall act upon the general principles of the system. The growth of wool is congenial to our country, and if we should afford sufficient encouragement to its manufacture, in the course of a very short time, the industry and enterprise of our citizens will furnish woollen cloth of a better quality, and at a cheaper rate, to the consumer, than we pay at present. The much abused Committee of Domestic Manufactures, in the testimony which they have presented with their report, have furnished to this House and the Nation a most cheering fact in relation to our progress in the woollen manufacture. The manufacturers themselves have testified, that they can convert wool into cloth at as cheap a rate as they can do it in England. The only difference against them, consists in the higher price of wool in this country than in Great Britain. This inequality will not long exist. Our country is boundless in its capacity for the production of wool. Give us proper protection, and we can produce wool enough to clothe the world. The laborer will, therefore, eventually pay less for his clothing, not more. In the quantum of protection to woollens, all I desire is, that the duty may not suddenly be raised to such a standard, as will produce a great appreciation of price, and an immediate pressure upon the country. These are the principles upon which I shall act.

If these principles be correct, in regard to wool and woollens, I would ask the gentleman from Maine why they do not apply, with equal force, to the manufacture of iron and the growth of hemp? Can it be for one moment doubted, that under a proper protection, hemp and iron can be produced cheaper at home than they can be procured from abroad? We have mountains of iron ore in many portions of the Union, planted by the hand of nature, near to mountains of coal. Our water-power is unlimited; we have timber in abundance: we possess the capital, the skill, and the enterprise. Can any gentleman then contend, that the American manufacturer of iron will not soon furnish it to the consumer at a lower price than it can be transported to us from a distant country? That this will be the event, and that at no distant period, I believe as firmly as I do in my own existence. To doubt it, would be to cast a reflection upon the character of my countrymen. The additional duty which the present bill proposes

upon iron, is a mere trifle, and will never be felt by the consumer.

Then, in regard to hemp, need I say anything? It has now been clearly ascertained, from the highest authority, that American water-rotted hemp is fully equal, if not superior, to that of Russia. This problem has been solved, and I feel it to be a high honor, that I have been an humble instrument in assisting to dispel the delusion which had existed in regard to American hemp. In the year 1824, I got one of my constituents to water-rot between 7 and 8 hundred weight of hemp. It was received at the navy yard in Philadelphia, by order of the Secretary of the Navy, and the Agent there, at once, pronounced it to be equal to the best water-rotted Russia hemp, and paid for it accordingly. It was manufactured and sent to the Mediterranean, and after an actual experiment of considerable length, no doubt is now entertained by the Commissioners of the Navy, but that it will prove to be fully equal, in all respects, to the best Russia hemp. Indeed, in one respect, the report which we have received from the Navy Department, awards to American hemp a decided preference. It declares that "the Russian hemp is certainly liable to greater injury from transportation, and that it does sustain more or less injury in its transportation from Russia to our ports, is believed to be an unquestionable fact." It often becomes musty in the hold of the vessel, in consequence of the great length of the voyage.

But, says the gentleman, why is there no American water-rotted hemp in the market? The answer is, that the prejudices which have heretofore existed against it, in the public mind, have not yet been dispelled. Our farmers have not hitherto been able to dispose of it at the same price which Russia hemp has borne in the market. Besides, they require some encouragement to induce them to abandon their ancient method of dew-rotting, and to take to water-rotting. For this reason, the additional duty of 25 dollars per ton upon this article has very properly been made progressive, rising slowly, to give our farmers time to perfect themselves in the business, and to grow the article in sufficient quantities for the supply of our public and private ships.

I shall say nothing of the capacity of this country to produce hemp. There is a single State of this Union—a State whose soil is naturally more fertile, in my opinion, than that of any other, of which I am reminded by the gentleman now in my eye, [Mr. Clark, of Kentucky,] capable of producing hemp in abundance to supply the demands of the world.

I need not trouble the committee with any remarks in regard to flax; as they would only be a repetition of what I have already said, concerning the cultivation and production of hemp.

The gentleman from Maine has used a most astonishing argument against any further protection to hemp and flax, and iron. We ought not further to encourage our farmers to grow flax and hemp, nor our manufacturers to produce iron. And why? Because you will thus deprive the navigating interest of the freight which they earn, by carrying these articles from Russia to this country. Can the gentleman be serious in contending that, for the sake of affording freight to the ship-owners, we ought to depend upon a foreign country for a supply of these articles? This argument strikes at the root of the whole American System. Upon this same principle we ought not to manufacture any article whatever at home, because this will deprive our ships of the carriage of it from abroad. This principle, had it been adopted in practice, would have left us where we were at the close of the American Revolution. We should still have been dependent upon foreign nations for articles of the first necessity. This argument amounts to a proclamation of war, by our navigation, against the agriculture and manufactures of the country. You must not produce, because we will then lose the carriage, is the sum and substance of the argument. Am I then to be seriously told, that for the purpose of encouraging our ship-owners, our farmers ought to be deprived of the markets of their own country, for those agricultural productions which they can supply in abundance? I did not expect to have heard such an argument upon this floor.

By encouraging domestic industry, whether it be applied to agriculture or manufactures, you promote the best interests of your navigation. You furnish it with domestic exports to scatter over the world. This is the true American System. It protects all interests; it abandons none. It never arrays one against another. Upon the principles of the gentleman, we ought to sacrifice all the other interests of the country to promote our navigation. This is asking too much.

The gentleman from Maine seems to apprehend great danger to the navy, from the passage of this bill. He appears to think it will fall with so much oppression upon our navigation and fisheries, that these nurseries of seamen for the navy may be greatly injured, if not altogether destroyed.

In regard to the value and importance of a navy to this coun-

try, I cordially agree with the gentleman from Maine. Every prejudice of my youth was enlisted in its favor, and the judgment of riper years has strengthened and confirmed those early impressions. It is the surest bond of our Union. The Western States have a right to demand from this Government, that the mouth of the Mississippi shall be kept open, both in war and in peace. If you should not afford them a free passage to the ocean, you cannot expect to retain them in the Union; they are, therefore, as much, if not more, interested in cherishing the navy than any other portion of the Republic. The feeling in its favor contains in it nothing sectional; it is general. We are all interested in its preservation and extension. Unlike standing armies, a navy never did, nor never will, destroy the liberties of any country. It is our most efficient and least dangerous arm of defence.

To what, then, does the argument of the gentleman lead? Although iron, and hemp, and flax, and their manufactures, are essential to the very existence of a navy; yet he would make us dependent for them upon the will of the Emperor of Russia, or the King of Sweden. A statesman would as soon think of being dependent on a foreign nation for gunpowder, or cannon, or cannon balls, or muskets, as he would for the supply of iron, or flax, or hemp, for our navy. Even if these articles could not be produced as cheaply in this as in other countries, upon great national principles, their domestic production ought to be encouraged, even if it did tax the community. They are absolutely necessary for our defence. Without them, what would become of you, if engaged in war with a great naval power? You would then be as helpless as if you were deprived of gunpowder or of cannon. Without them, your navy would be perfectly useless. Shall we, then, in a country, calculated by nature, above all others, for their production, refuse to lend them a helping hand? I trust not.

The gentleman from Maine has said much about our fisheries, and the injurious effects which the present bill will have upon them. From this argument, I was induced again to read the bill, supposing that it might possibly contain some latent provision, hostile to the fisheries, which I had not been able to detect. Indeed, one might have supposed, judging merely from the remarks of the gentleman, without a reference to the bill, that it aimed a deadly blow against this valuable branch of our national industry. I could find nothing in it, which even touched the fisheries. They have ever been special favorites of our legislation. I shall not pretend to enumerate, because the task might

seem invidious, the different acts of Congress affording them protection. They are numerous. The gentleman has, in my opinion, been very unfortunate in his complaints that they have not been sufficiently protected. From the origin of this Government, they have been cherished, in every possible manner, by our legislation. For their benefit we have adopted a system of prohibition, of drawbacks, and of bounties, unknown to our laws, in relation to any other subject. They have grown into national importance, and have become a great interest of the country. They should continue to be cherished, because they are the best nurseries of our seamen. I would not withdraw from them an atom of the protection which they have received; on the contrary, I should cheerfully vote them new bounties, if new bounties were necessary to sustain them. They are the very last interest in the country which ought to complain.

The gentleman, whilst he strenuously opposed any additional protection to domestic iron, and domestic hemp, surely could not have remembered, that the productions of the fisheries enjoy a monopoly of the home market. The duties in their favor are so high as to exclude foreign competition. We do not ask such prohibitory duties upon foreign iron, flax, or hemp. We demand but a moderate increase; and yet the fisheries, which are protected by prohibitory duties, meet us, and deny to us, this reasonable request.

The bill contains another provision which has been assailed by the gentleman from Maine. It proposes to repeal the law, now in existence, which gives to the distiller of New England rum a bounty or drawback of four cents per gallon upon its exportation to a foreign country. This provision affords to New England rum a decided preference over our spirits distilled from grain, in foreign markets. It is a discrimination which certainly ought to be abolished. Did the gentleman reflect, whilst he was opposing this repeal, that, for the benefit of our fisheries, we do not allow any drawback of the duties upon foreign fish and foreign fish oil, imported into this country? The law, in effect, declares that if our merchants send these articles to foreign countries, they must be the production of our own fisheries. This is a remarkable case: because almost every other article, brought from a foreign country, may be exported in the same form in which it arrived, with the benefit of drawback. And yet the gentleman insists—although the article is changed from molasses into rum—that the distiller ought still to receive four cents per gallon from the

treasury, as a premium upon sending it abroad, to enter into competition with a domestic liquor, which is distilled from the grain of the farmer. Is this just? Is it equal? The truth is, if our navigating interest shall continue to oppose every measure which may be proposed in this House calculated to promote the agriculture of the country, there is great danger the people may at last begin to believe, that a hostility exists, in the nature of things, between these two interests. Should false alarms of this character ever be excited, they will seriously injure our navigation and our navy. I would caution gentlemen, as they value these interests, to avoid placing them in unnatural array against the great agricultural interest of the country, upon which all others must at last depend.

The gentleman has selected the year 1810, and has said, truly, that our foreign tonnage is not so great now as it was then; and that our tonnage employed in the coasting trade has not increased since that time, in proportion to the increase of our population. I ask, is this statement calculated to produce a fair impression? We all know that for many years previous to that period, the nations of Europe had been engaged in a desolating war; one of the chief purposes of which appeared to be the destruction of the commerce of each other. We remained neutral, and became the carriers for the world. This circumstance imparted to our navigation a mushroom growth, and made it, in a great degree, dependent upon the continuance of foreign war. This growth had reached its utmost limit in the year 1810. After peace was restored, and the belligerent nations had turned their attention to their own navigation, we were necessarily deprived of a large portion of their carrying trade. Since the year 1818, the time when the world had settled down in a state of peace, our navigation has been gradually increasing. Since then, "it has grown with the growth, and strengthened with the strength," of our country. It now depends upon our own resources for its support. Like the pine of our mountains, supported by its native soil, it defies the wintry blast. It is no longer a mushroom plant, of hot-house growth, which the first frost will wither. It has been increasing, from year to year, since 1818, with a steady and natural growth, and is now in a most thriving and prosperous condition.

I will now descend to the humble though important articles of foreign spirits and molasses; and, after having made some

observations relating to them, I shall not further trespass upon the attention of the committee.

The tariff of 1824 abandoned, in a great degree, the peculiar interest of the grain growing States. It is true, that a distinguished gentleman from Kentucky, then a Representative upon this floor, [Mr. Clay,] did move, in committee of the whole, to increase the duty on molasses, as this bill proposes, from five to ten cents per gallon. His argument upon that occasion was one of the happiest efforts he ever made upon this floor. I voted with him in committee of the whole; but, when the bill came into the House, I gave a contrary vote. I was one of those mariners who were then willing to throw the molasses overboard, to prevent the ship from sinking. I found that our Eastern brethren were so hostile to any increased duty upon this article, that the fate of the bill depended upon the rejection of Mr. Clay's amendment. I thought it would be too selfish in me to persist in retaining a single article, although its retention might be peculiarly beneficial to my own constituents, when I believed the effect would be to destroy a bill which contained many wise and useful provisions, calculated to promote the general welfare. I did what I believed to be right, under all the circumstances, and I have never since repented of my conduct.

The case is now altered. New England, who was scarcely willing to accept the tariff of 1824, is now seeking protection for her woollen manufacturing interest, the value of which has been estimated at 40,000,000 dollars. The vote upon the question now before the committee must determine whether she is willing to grasp this protection with one hand, and with the other spurn the farmers of the Middle and Western States who are asking for a similar boon. Would such conduct be fair? By the tariff of 1824, we added 8⅓ per cent. to the ad valorem duty which had formerly existed on woollen goods. Experience has shown that this increased duty, amounting in the whole to 33⅓ per cent. ad valorem, has not been sufficient. I am willing and anxious to extend further protection to this suffering interest, although there is not an individual in five hundred of my constituents, in that portion of the congressional district with which I am best acquainted, who will *personally,* at the present time, derive the least benefit from an additional tax on woollens. I say *personally,* because I freely admit that the establishment of the woollen manufacture in this country is a great national object. The farmers in the eastern part of Pennsylvania never can, and never will, con-

vert their small farms, for which they have paid large prices, into sheep walks. The great woollen factories are now far distant from them. As to the grain of the middle States which they consume, it is too trifling to be seriously brought into the account. Comparatively speaking, it is unworthy of the least consideration. Yet I am, as one of the representatives of that people, willing to act with liberality, and afford these manufactories sufficient aid; but I shall expect the same liberality in return. What claims has the manufacturer upon us, which the farmer has not? The agricultural interest is now greatly depressed. This fact is notorious. It is personally known to almost every gentleman upon this floor. The supply of grain is every where too great for the demand. There is a vast surplus of labor employed in the cultivation of the soil. Are not the farmers the very bone and sinew of your country? Are they not the men who, by their virtues, must preserve your republican institutions uncorrupted in peace, and who, by their valor, must defend them in war? They are also the tax payers, by whom your government is supported. And is this the only interest in the country which is to be disregarded? Are commerce and manufactures to be protected, and is agriculture to be abandoned? Can gentlemen expect aid to their woollen manufactories, from the representatives of farmers upon this floor, and at the same time refuse to aid those farmers? Will they take, but never give? I trust they will not act so ungenerous a part.

What is the true state of the case, in regard to molasses and foreign spirits? The importation of molasses during the last year amounted to 13,362,268 gallons. A gentleman from Vermont [Mr. Hunt] has informed the committee that, from the year 1822 to 1826, both inclusive, the average annual quantity of molasses imported, was 12,806,948 gallons; and no doubt he is correct.

The Committee of Manufactures have stated, in their report, that, for the last six years, the importation of foreign spirits has been between five and six millions of gallons annually. The gentleman from Maine [Mr. Anderson] has corrected the committee in relation to the two last years, and has shown that in the year 1826 the number of gallons of foreign spirits consumed in the country amounted to 3,208,321; and in 1827, 3,183,186. And here, sir, permit me to observe, that I regret I was not present when that gentleman delivered his able and masterly argument to the committee, which I have since read with great pleas-

ure; an argument which, for its spirit of conciliation, was in perfect contrast with that of his colleague, [Mr. Sprague.]

It may be that the estimate made by the Committee of Manufactures of the quantity of molasses distilled within the United States is too large. It is at best only conjectural, but they have given good reasons for the opinion that about 8,000,000 of gallons of molasses are distilled in New England. The gentleman from Maine [Mr. Anderson] has given it as his opinion that not more than one-sixth of the molasses imported is distilled; whilst the Committee of Manufactures believe it to be about two-thirds. For the purpose of my argument, I shall state the distillation to be 6,000,000 of gallons, which is considerably less than one half of the molasses imported during the last year, and is an intermediate point between the committee and the gentleman from Maine, [Mr. Anderson.] According to this estimate, there was imported into the United States, during the last year, in the form of molasses, six millions of gallons of foreign spirits; and in foreign spirits which had been distilled abroad, 3,183,186 gallons; making an aggregate of 9,183,186 gallons. Allowing that one bushel of grain can be converted into 2¾ gallons of spirits, which I believe to be about the average product from distillation, we find that there is annually imported into the United States, of the product of foreign agriculture, either in the form of spirits or of molasses, for the purpose of distillation, what would be equal to more than three million three hundred thousand bushels of grain. Without increasing the consumption of spirits a single gallon, if you could prohibit the importation of foreign spirits, and prevent the distillation of molasses in this country, you would thus create this immense domestic market for the benefit of our farmers. Let me call the attention of gentlemen who represent agricultural districts to this fact. I ask, can it be the policy of an agricultural people to consume, in the form of spirits, the agricultural productions of foreign nations to an amount equal to more than three millions three hundred thousand bushels of grain, whilst that article is perishing at home for the want of a market? This simple statement of the fact must carry conviction to every unprejudiced mind. The farmer has a right to insist that the spirits manufactured from the corn and the rye which he produces shall be preferred by your legislation to that which is distilled from foreign materials. Mr. King suggested that it might become proper to prohibit the importation of foreign spirits and molasses altogether. What have the committee done? They

have recommended an addition to the present duties of only ten cents per gallon on foreign spirits, and five cents on molasses; and this trifling increase has occasioned the storm which has been raised by the gentleman from Maine, [Mr. Sprague.]

Let us view this subject in another of its aspects. Some gentlemen say, we are willing to give you an additional duty upon foreign spirits; but you must not touch the molasses. This would be a mere delusion. You may impose two dollars a gallon upon the importation of foreign spirits, if you suffer it to come to our country in the shape of molasses, at five cents per gallon; I ask what protection will be afforded to the grain growers? None. Its sole effect would be to transfer the distilleries of molasses from the West Indies to New England. Leave the duty upon molasses to remain as it is, and the increase of duty upon foreign spirits which the bill proposes, will afford the same protection to the domestic distillation of molasses, that it will afford to the domestic distillation of grain. This conclusion is irresistible. I ask, what kind of protection it would be to the farmer, to impose a heavy duty upon flour, and suffer wheat to be imported free? It would be a bounty to the miller, but no protection to the grain grower. Or what protection would it afford to the wool grower, to tax foreign woollens heavily, whilst you suffered the raw material to be imported at a trifling rate of duty? Such a policy would encourage the manufacturer, but ruin the wool grower. Upon the same principle, I ask, what protection it would afford to our grain growers, if you were even to exclude foreign rum, whilst you admit its importation in the form of molasses, at five cents per gallon? Such legislation would benefit the domestic distillers of molasses; but there the advantage would end. The duty upon foreign spirits and foreign molasses must stand or fall together. It will be a vain attempt to endeavor to persuade the Pennsylvania farmer, that he will be protected against foreign rum by a high duty, whilst the raw material out of which this rum is manufactured, shall continue to be imported at the present rate of duty. The gentleman has contended, that the additional duty of five cents per gallon upon molasses will operate with severity upon the poor, who use this article with their food. Can this position be sustained? If all protection to agriculture were out of the question, and if we were now debating a mere measure of revenue, the duty ought to be increased to ten cents. It would require a much greater increase of duty, than the bill proposes, to place the poor man of New England, where this article is chiefly consumed,

upon the same footing with the poor man in other portions of the Union. One gallon of molasses contains sweetening matter equal to eight pounds of brown sugar. Under the existing laws, the poor man of Pennsylvania, who purchases eight pounds of such sugar, pays a duty upon it of twenty-four cents, whilst the individual who buys a gallon of molasses, pays only a duty of five cents. At present, the poor man in one portion of our country, thus pays nearly five times as much duty, upon an article of the same nature, as the poor man in another. I ask the gentleman to answer this argument. After the duty on molasses shall have been increased to ten cents, there will still be a great disproportion between the tax upon it and upon brown sugar. Those who use molasses in the eastern States, will not, even then, pay half as much tax to the Government, as the consumers of brown sugar in the other portions of the Union. It has been estimated by a gentleman from Vermont, [Mr. Hunt,] that each individual in that State, consumes, upon an average, about two gallons of molasses in the course of a year. Admitting this estimate to be correct, by the law now in existence, he pays a duty of ten cents; and will, if this bill should pass, pay only twenty cents; whilst another individual in Pennsylvania, who has not acquired the taste for molasses, will still be compelled to pay forty-eight cents, upon sixteen pounds of brown sugar.

I have the highest names in the country to sustain me in this part of the argument. I have already referred to the former Speaker of this House. Let me now introduce the name of Mr. Madison for the same purpose. He proposed a duty of eight cents a gallon on molasses, in the first Congress, when only five per cent. ad valorem was imposed upon most of the articles imported from abroad. It will be observed by the committee that this duty was proposed at the same time that it was agreed to tax brown sugar only one cent per pound. Mr. Madison, in support of his motion, said, "he had heard an observation made by the gentleman from Pennsylvania, [Mr. Fitzsimmons,] which he thought lessened the force of the objection taken against taxing molasses as a necessary of life, those who used it in substance escaped the tax on sugar, at least so much of it as the one was a substitute for the other; he feared that there was no other way of coming at the duty on country rum, but laying one on the material from which it was extracted; and he did not think eight cents out of the way." Mr. Fitzsimmons, then a representative from Pennsylvania, and an able and practical representative he

was, so far as I can judge from the debates of that day, in sustaining the proposition of Mr. Madison, observed, "as to what is used in its raw, unmanufactured state, it will be sufficient to observe, that, as it is generally a substitute for sugar, the consumers will therefore avoid the tax on that article, and pay it on the other. In Pennsylvania they mostly use sugar; now, if the people there pay a tax upon that article, it is but distributive justice that the people of Massachusetts pay one on the article they use for the same purpose." And again, he contended, "if a less, or much less, duty be laid, the operation of the tax upon sugar and molasses would be unequal on the consumer, which certainly cannot be the wish of any member, if I may judge from the conciliating disposition which is prevalent in the committee." Finally the Committee of the Whole determined to impose a duty of six cents per gallon upon molasses.

When it was afterwards proposed to fix the duty on brown sugar at two cents per pound, Mr. Fitzsimmons remarked, "that one gallon of molasses weighed eight pounds; that at six cents it did not pay a cent per pound; could it therefore be called any wise equal to such a tax on sugar? Moreover, sugar is an article of as general consumption as molasses; and when it is of this inferior quality, it enters as much, or more, into the consumption of the poor, as the other, while at the same time molasses will sweeten more according to its weight, than even the best sugar will; from which considerations I think gentlemen will be satisfied, by putting it on an equality with molasses; therefore, I do not oppose one cent per pound." The committee accordingly fixed the duty at one cent.

A duty of six cents upon each gallon of molasses, even at that day of low duties, passed the Committee of the Whole of the House of Representatives, although it was opposed, upon the floor, by all the intellectual strength of New England, then in that body. This duty was afterwards reduced (I believe in the Senate,) to two and a half cents per gallon; and in that form the law passed. Thus the Eastern people—by means of that perseverance of character which so eminently distinguishes them, and which no man more admires than I do myself—succeeded in defeating a majority of the House of Representatives, with Mr. Madison at their head. Whilst the duty imposed upon brown sugar was one cent per pound, that imposed upon a gallon of molasses, which is equal to eight pounds of sugar, was only two and a half cents. In the history of our legislation, this original disparity has become

much greater. Whilst brown sugar now pays three cents per pound, molasses is charged with only five cents per gallon. And yet a printed paper, under the signature of "Many," entitled "The Real State of the Case," has been circulated from this House over the Union, accusing the Committee on Manufactures of introducing the moderate additional duty of five cents per gallon upon molasses, into the bill, for the purpose of destroying it. In this manner they have been presented before the public as objects for the hand of scorn to point at—as betrayers of that interest which it was their duty to protect.

The gentleman from Maine seems to be ignorant of the nature of distilling grain; at least so far as it is practiced in the district which I have the honor in part to represent. He spoke of the farmer going to the distiller with 50 bushels of corn, and giving one half of the spirits which it produced, and which he estimated at fifty gallons, for distilling the other half. In my district they have attained to great perfection in the art of distillation. I have at this moment in my pocket a letter from a respectable distiller of the county of Chester, which informs me that he makes three gallons of whiskey from a single bushel of grain—the one half corn and the other half rye. I believe this to be no uncommon production. The distiller receives little more for his labor than food for his hogs. It is by feeding stock, and not by distillation, that he makes his profit. For every cent which you increase the price of a gallon of whiskey, the distiller is able to give the farmer an increased price of nearly three cents for his bushel of grain. Raise the price of whiskey but five cents the gallon, and you increase the price of corn and rye from twelve to fifteen cents the bushel. This, therefore, is a vast interest. It is not on account of the distillers that we are anxious; although their interests ought not to be disregarded. We wish to afford the farmer a home market for his grain. I do not wish to see the consumption of spirits increased a single gallon. Heaven forbid that I should! What I alone desire, and what alone I wish to obtain, is, that spirits distilled from native grain should be substituted, instead of spirits distilled from foreign materials. If this article must be used, let it be that of domestic origin.

The gentleman has depicted, in glowing colors, other disastrous consequences which would inevitably follow, from the proposed increase of duty on molasses. This five cents per gallon will destroy our lumber trade, and our fish trade, with the West Indies. He says they both depend upon molasses, because

that is the article which we received in exchange for our fish and our lumber, and that should the present bill pass we shall no longer be able to trade our lumber and our fish with the people of the West Indies, for their molasses. The fertile imagination of the gentleman has given birth to other alarming consequences, which would follow from this extravagant duty. It will not only destroy the lumber trade and the fisheries, but their destruction will destroy the navy. Even my friend from Maine [Mr. Anderson,] drew the same hideous picture.

It is very fortunate that the British did not know what was our true condition during the last war. If the five cents per gallon will be productive of such fearful consequences, the British government, by withholding molasses from us altogether, might have prostrated our navy. Before the gentleman made this discovery to the House, he should have moved to close the doors. We are surrounded by British agents, and no doubt this discovery will be sent across the Atlantic, with the rapidity of an eagle's flight. Five cents per gallon of additional duty upon molasses, will destroy our timber trade, our fisheries, our commerce, our navigation, nay, even our navy. I might alter his quotation, and say, "not a flag but by molasses sails." It is the article which keeps the star-spangled banner of our country afloat upon the ocean. Is the gentleman serious in exhibiting to our view all "the gorgons and chimeras" which he has called into his service?

For my own part, I fear that we shall derive but little benefit from this duty on molasses. It is too small to produce any great practical good. It will increase the price of New England rum, in a degree so trifling, that I fear it will not very much diminish its consumption.

I know that those who have acquired a taste for molasses will not abandon the use of that article, even if it should cost five cents per gallon more than the present price. I do not apprehend that any of the great interests of the country is about to be seriously affected, much less destroyed, by this tax.

The gentleman from Maine, in his concluding observations, remarked, if I understood him correctly, and if I did not I wish to afford him an opportunity to explain, that the British Parliament would pass this bill by acclamation, if presented to them. And that, if the members of the committee had been British subjects, they could not have pleased their royal master better, than by presenting him with this production.

Mr. Sprague here explained.

Sir, said Mr. B. I am pleased to take the gentleman's explanation. More especially as he has disclaimed all intention to attribute any improper motive to the committee.

I shall not, after this explanation, make the remarks which I intended; but shall conclude, with a few observations in relation to the general course which has been pursued towards the Committee on Manufactures, by those who are opposed to the bill. This committee is one of our Standing Committees. The members who compose it, both in head and in heart, will bear a fair comparison with those of any other committee of this House. They have been most industriously employed, and no gentleman upon this floor ought either to think or to say that they have abandoned their duty. In my opinion, it would have been much more proper that no remarks, such as those which were made by the gentleman from Maine, should have been uttered upon this floor. What is the necessary inference from such observations? Either that the committee misunderstood, or betrayed the interest which had been intrusted to their care. Either that they were weak, or that they were wicked. No gentleman upon this floor has a right to present any committee before this House, or before the nation, in such an attitude. Another gentleman from New York [Mr. Martindale,] has said, in the progress of the debate, that, if they had been bribed with British gold, they could not more effectually have injured their own country, than by the bill which they have reported. I have no disposition to fight the battles of the committee. Being a man of peace, I am scarcely willing to fight my own; but yet I feel myself constrained publicly to declare, that, in my opinion, the conduct which has been pursued towards that committee has been highly reprehensible. It is the common duty of every member of this House, to protect the character of all other members from unmerited censure. We should at least exercise mutual tenderness towards each other; as we are all certain of being sufficiently abused by the public. We are often placed in such situations, that our judgment is at war with our feelings. If, under these circumstances, in addition to the performance of an unpleasant duty, our motives are to be branded with suspicion by each other, our situation must soon become exceedingly irksome. I have been led to this remark, from having felt myself compelled, this day, to vote against the bill for the relief of the widow of General Brown. It was the most reluctant vote which I have ever given. I am sorry that any

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improper motive should ever, either directly or indirectly, have been attributed to the Committee of Manufactures. The policy of measures, not the motives of the members of the committee who recommend them, is the fair subject of attack upon this floor. The best apology which I can make to the House for having trespassed so long upon their attention, is to sit down, without making any formal conclusion.

REMARKS, APRIL 8, 1828,

ON THE DUTY ON DISTILLED SPIRITS.[1]

Mr. Buchanan (on whose motion this amendment had been adopted in Committee of the Whole) replied to Mr. Barney, and strenuously advocated it.[2]

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Mr. Buchanan now said, that so many members had expressed to him a desire that he would propose a lower duty, that he was induced, for the sake of harmony, and to save the time of the House, and not because he thought the duty too high, to move to amend the amendment by striking out thirty, and inserting twenty.

The Chair reminded him that such a motion would not be in order, in as much as the amendment of the Committee of the Whole which went to strike out ten, and insert thirty, was not divisible. He might, however, attain his object by having a vote first taken on thirty cents, and, if that should be decided in the negative, his motion for twenty would then be in order.

The question was accordingly put on concurring in the amount reported by the Committee of the Whole, viz: to strike out ten cents, and insert thirty, and decided in the negative, by yeas and nays:—Yeas, 58—Nays 131.

Mr. Buchanan now moved to strike out ten cents and insert twenty; and this question was also decided in the negative, by yeas and nays:—Yeas, 90—Nays 102.

Mr. Buchanan, expressing reluctance again to trouble the House, but referring to the importance of this subject to his constituents, moved to strike out ten cents and insert fifteen.

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[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, 2219, 2221.

[2] The amendment was to substitute thirty cents for ten cents as the duty on distilled spirits.

Mr. Degraff requested Mr. Buchanan to state to the House what was the present duty on imported spirits. This Mr. Buchanan declined, as he presumed the gentlemen were all acquainted with it.

AMENDMENT, APRIL 9, 1828,

OF THE DUTIES ON WOOLLENS.[1]

Mr. Buchanan moved the following amendment to that just offered by Mr. Mallary:

Strike out after the word "bindings," in the 2nd paragraph, and insert: Instead of the present duty of 33 1-3 per cent. ad valorem, a duty of 40 per cent. ad valorem, until the 30th day of June, 1829, and after that time, a duty of 5 per cent. per annum, in addition, until the whole amount of duty shall be 50 per cent. ad valorem: Provided, That all manufactures of wool, except flannels and baizes, the actual value of which, at the place whence imported, shall not exceed 33 1-3 cents per square yard, shall, instead of the present duty of 25 per cent. ad valorem, be charged with a duty of 30 per cent. ad valorem, until the 30th day of June, 1829, and, after that time, a duty of 5 per cent. per annum, in addition, until the whole amount of duty shall be 40 per cent. ad valorem.

Mr. Buchanan advocated his amendment in a short speech, stating his objection to the introduction of minimums, and his belief that this amendment would be equivalent, in its effects, to the minimum system, as reported in the bill.

REMARKS, APRIL 15, 1828,

ON THE DUTY ON MOLASSES.[2]

Mr. Buchanan professed to be a decided friend to the policy of protecting domestic industry, but his attachment to the bill would be greatly diminished if the duty on molasses should be stricken out. He contended that every three gallons of molasses, imported into this country, to be manufactured into New England rum, took the place of one bushel of corn or rye; and that, for each cent per gallon, which was added to the price of whiskey, the distillers in his district could, and did give an additional price, of

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 2252–2253.

[2] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, p. 2346.

between two and three cents per bushel for grain. He had voted to strike out the duty on molasses in 1824, to save the tariff bill, but should not do so again.

REMARKS, APRIL 19, 1828,

ON MR. BARBOUR'S EXPLANATION.[1]

Mr. Buchanan said he was glad the gentleman from Virginia had made the explanation which he had done, to the House, and to the nation. Mr. B. said, I was then a member of the House, and heard, at the time, that the Speaker had been mistaken in the opinion which the gentleman from Rhode Island [Mr. Durfee] entertained in relation to the tariff. It cannot be denied, however, that an erroneous impression has prevailed, to a considerable extent, in Pennsylvania, in regard to this transaction. That impression will now be removed by the explanation of the gentleman; as his high character for integrity will give a sanction to his statement, which will carry conviction to every mind.

REMARKS, APRIL 28, 1828,

ON A BILL TO AUTHORIZE RAILROAD COMPANIES TO IMPORT IRON AND MACHINERY FREE OF DUTY.[2]

Mr. Buchanan said, he felt indifferent, whether the bill were referred to the Committee of Manufactures, or to the Committee of the Whole on the state of the Union. He would not have said a word upon this subject, had he not felt it to be his duty to notice the remarks made by his friends from Massachusetts and South Carolina [Mr. Dwight and Mr. McDuffie.]

The gentleman from Massachusetts has stated, that this bill, should it become a law, would not interfere with the domestic production of iron; because we cannot manufacture such iron

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, p. 2414. These remarks refer to an explanation made by Mr. P. P. Barbour, of Virginia, of his course, when Speaker of the House, in appointing the Committee on Manufactures. Although personally opposed to the protective system, he had intended to appoint a majority favorable to protection, and had, as he supposed, done so; but he proved to be mistaken as to the views of Mr. Durfee, of Rhode Island, who, contrary to expectations, did not concur in the measures of those who were favorable to manufactures.

[2] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, p. 2505.

as the construction of Rail Roads requires. I believe that such iron can be manufactured, in this country to any extent which may be required; and I trust that I will be able to demonstrate the correctness of this opinion, when the proper occasion shall arrive.

The gentleman from South Carolina has said, that this was a bill to encourage internal improvements. In this he is correct. He might have said more, and declared, that it went further in that cause, than any member of this House had ever yet proposed. We have subscribed stock in incorporated companies, to promote the construction of roads and canals; but upon such subscriptions we have always expected to receive our dividends. This is all right. We have gone further, and constructed a turnpike road at the sole expense of the Government; but this road was intended to be free to all the citizens of the United States, and no person now contemplates, that more toll shall ever be collected upon it, than may be necessary to keep it in repair. This bill goes to a much greater length than we have gone in either of these cases. It proposes nothing less, than to make an absolute donation of about $300,000 to a company, whose stock is selling at $16 for $1, or at sixteen hundred per cent. above par, upon the money which has been actually paid; from which the citizens of the United States will never receive any advantage, either in a diminution of the rate of tolls, or in dividends. I think this bill ought to be referred to the Committee of the Whole, and I hope that, in pursuing this course, we may be committing the lamb to the wolf—the event which the gentleman from South Carolina apprehended might result from its reference to the Committee of Domestic Manufactures.

REMARKS, APRIL 30, 1828,

ON THE DATE OF ADJOURNMENT.[1]

Mr. Buchanan opposed fixing any day of adjournment at this time. It might be that Congress could adjourn on the 19th of May. This would depend much upon the time which the Senate might occupy in the discussion of the Tariff. He said, that, until that subject should be finally disposed of, he would not agree to fix upon any day; because he would not give any vote

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 2541–2542.

which might prevent a final decision upon the Tariff question, during the present session.

He concurred in opinion with the gentleman from New York [Mr. Taylor.] The committee had been appointed for two purposes. The first was to ascertain and report to this House the bills upon which it was our duty to act during the present session; and the second, to recommend a day of adjournment. In order to ascertain when we could adjourn, it was necessary that the Committee should first have determined what we ought yet to do. The one question was dependent upon the other. Notwithstanding this clear proposition, the committee have recommended, that the session shall be closed on the 26th of May; without having considered what time, whether a longer or a shorter period, the transaction of the public business might require.

Mr. B. then renewed the motion of Mr. Taylor to lay the report upon the table.

Mr. Isacks demanded that the question be taken by yeas and nays, and they were ordered by the House—and, being taken, they stood as follows:—Yeas 77—Nays 90.

So the House refused to lay the report on the table.

REMARKS, MAY 1, 1828,

ON THE NATURALIZATION LAWS.[1]

Mr. Buchanan then moved the consideration of the bill "to amend the acts concerning Naturalization."

Mr. B. said, he would briefly state the reasons which had induced the Judiciary Committee to report this bill to the House. Under the existing law, an alien cannot be naturalized unless he has resided for five years within the limits of the United States. He must, when he applies to be naturalized, prove his residence by disinterested testimony; his own oath is not allowed for this purpose. In addition, he must exhibit a certificate that he had declared, in a Court of Record, at least two years before his application, that it was his intention to become a citizen, and to renounce his allegiance to the Government from which he came. The bill will not interfere with either of these provisions. The existing laws require, in addition to these provisions, that the alien should produce a certificate that he had gone before a

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 2555–2556.

Court of Record, and registered himself; and this certificate is to be the evidence of the time of his arrival within the United States. The act of 22d March, 1816, farther requires that this certificate of registry shall be recited in the certificate of naturalization.

What has been the consequence? By a correct construction of these laws, no alien can be naturalized without a registry. This is the only evidence which the court can legally receive of the time of his arrival. In those courts, therefore, in which this practice prevails, if an alien has been ten years in the country, though his residence were notorious during all that time, still, if he has neglected to register himself, he cannot be naturalized until five years after his first application to the court. This neglect is common, nay, almost universal; because aliens do not know the law, and would not, for sometime after their arrival, conform to it, even if they did. But this law, like every other unreasonable one, is evaded. It sets up an arbitrary standard of evidence, to defeat the spirit of its own provisions. The consequence is, that some courts do, and others do not, carry this part of it into execution. In 1824, Congress yielded this provision, so far as to declare, that a certificate of naturalization theretofore obtained, should be good, notwithstanding it did not recite this registry. The Committee on the Judiciary believed that it would be better at once to dispense with this registry. They thought it would simplify the law.

The second section provides for another class of cases. Every alien who has arrived in this country, since the 14th of April, 1802, must exhibit a certificate of the declaration of his intention to become a citizen, made two years before his application to be naturalized.

It was believed by the committee, that, if an alien could establish, by clear and indifferent testimony, that he had arrived in the country previous to the late war, (viz. the 18th June, 1812,) and continued to reside in it ever since, this condition might, in such case, with propriety, be dispensed with. We had reason to believe that there were many persons in the country, particularly Irishmen, who served as soldiers during the late war, who have hitherto neglected to make a declaration of their intention to become citizens; and we thought it right to provide for this class of cases, more especially as such persons must prove, by clear and indifferent testimony, that they have ever since resided within the United States. It is now nearly sixteen years since the declaration of that war. This section is in strict accordance with former precedents. By the act of 14th April, 1802, aliens

resident within the United States between the 29th January, 1795, and 18th June, 1798, might, within two years after its passage, have become citizens, without any such declaration of their intention. Here the residence required was not quite six years. By the act of the 26th March, 1804, aliens, who have resided in the country between the 18th June, 1798, and the 14th April, 1802, and have continued to reside in it, have a right to be naturalized, without producing such a certificate. Since 1804, we have passed no similar provision, although more than twenty-four years have since elapsed.

REMARKS, MAY 14, 1828,

ON THE OFFICE OF MAJOR GENERAL.[1]

Mr. Buchanan said, he should not have said a word upon this bill, had not his attention been drawn to the second section of it, by the motion of the gentleman from Ohio, [Mr. Vance.] He would have contented himself with a silent vote in favor of its passage. But, said Mr. B. I belong to the Militia myself—I have a fellow-feeling for them, and I never shall consent to degrade them; for after all, they are the great bulwark of our defence. The second section of this bill will produce that effect. A Captain in the regular Army, after he has continued in the service for ten years, is breveted a Major, and in ten years more he becomes a Colonel by brevet. The mere lapse of twenty years transforms a Captain into a Colonel by brevet, and gives him this honorary rank; although he may still remain but a Captain in the line, and be entitled to command but a single company. Brevet rank is therefore acquired, in our army, without any extraordinary merit. Under this section, such a Captain would be entitled to rank a Colonel of Volunteers or Militia who had led his regiment into the field, and to assume the command. I ask, will not any law, which would operate in this manner, tend to destroy the spirit of the Militia, and to degrade them both in their own eyes and those of the Nation? The past history of this country proves that they do not deserve such treatment at our hands. During the last war, the Militia purchased glory both for themselves and for their country, upon the field of battle; and our most brilliant vic-

[1] Register of Debates, 20 Cong. 1 Sess. 1827–1828, IV., part 2, pp. 2679–2680, 2684–2685.

tories were those achieved under the command of men, who had been Militia Generals, and who were transferred to the same rank, in the regular Army.

It has been objected, against the passage of this bill, by the gentleman from South Carolina, [Mr. Drayton,] that if the office of Major General should be abolished, a Militia Major General would then command an officer of the highest rank in our Army, should regular troops and militia be called into service together. Even if we should admit this construction of the law to be correct, the inconvenience which that gentleman apprehends, would never occur in point of fact. The army is now on a peace establishment. When war shall threaten us, it must immediately be reorganized. We must then call into existence a new head to the Army, and confer upon him a rank which will entitle him to command a Major General of Militia. It is scarcely possible, therefore, that the case supposed by the gentleman can ever exist.

If this bill should pass, it will afford the President of the United States an opportunity of placing at the head of the Army, in the event of war, an able and an efficient man, and relieve the country from the danger of having that station pre-occupied by a superannuated officer. In the mean time, no inconvenience can be experienced. The President is Commander-in-Chief of the Army; and it is his duty to decide the question of rank, which has so long existed, between the two Brigadier Generals. The one or the other of them will then be the chief officer of the Army. But it was not my intention to discuss the main question; I rose merely to defend the Militia, and I shall proceed no further.

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Mr. Buchanan said, he felt himself bound to reply to some of the remarks of the gentleman from South Carolina, [Mr. McDuffie.] That gentleman has been pleased to say that I had made a grand discovery when I found out that the army of the United States ought to be left without a head in time of peace. He has also endeavored to prove that the principles which I advocated would result in abolishing all the officers in the army. Indeed, from the tenor of his observations, it might be supposed that I had expressed a desire to destroy the whole military establishment of the country—horse, foot, and dragoons.

That gentleman has not only done me injustice in the manner he has stated the proposition which I advocated, but he has drawn the most unnatural and the most illogical inferences from my argument.

It is well known that, up to the rank of Colonel, the officers have a right to be regularly promoted. Beyond that rank, no such right exists. At that point regular promotions, according to seniority, cease. Within this limit, I trust I should be one of the last men in this House who would attempt to interfere. I shall ever hold all existing rights of the officers sacred. But what is the case above the rank of Colonel? It has been the uniform practice of this government to leave the discretion of the President unfettered, and to allow him to select general officers from the mass of the American people. Why has this practice prevailed? Is it not to enable the President to select such men to fill the high offices of the army as may be best able to serve their country? Our present army is emphatically a peace establishment. Its present organization never was intended for a state of war. I wish, therefore to leave every avenue open, which I can do with a proper regard to the existing state of things, for the purpose of enabling the President, in the day of danger, to fill the high offices of the army with efficient commanders. And yet the gentleman from S. Carolina has contended that my argument, which was specially confined to the office of Major General, would equally apply to officers of every grade, and lead to the destruction of the whole army.

The case of General Brown will strikingly illustrate the truth of the proposition for which I contended. He was a great military man. Nature had made him a commander. He commenced his career in the militia, and then was appointed a General in the service of the United States. During the last war, he not only distinguished himself, but he distinguished his country. But I would ask the gentleman from South Carolina, whether General Brown, for years before his death, would have been fit to take the command of the army, and go into active service? Time and disease had laid their heavy hands upon him, and had rendered him wholly unable to take the field against an enemy. In considering this subject, we should never forget that the present army is emphatically upon a peace establishment; and that, by abolishing the office of Major General, when danger shall threaten, and when it becomes necessary to organize our military establishment for a state of war, the field of competition for the highest office in it will be left entirely open. The President may then select the most capable man in the country for that arduous station, whether he be found in the militia, the regular army, or among the private citizens of our country. It is certain he ought to be an

efficient man, capable of rendering his country service, and not a superannuated officer.

In order to accomplish this purpose, however, I would not disturb any man living. I would not think of abolishing the office, either of Scott or of Gaines, even if they were less worthy of their country's gratitude, although I do not believe both to be necessary. But when either of them shall die or shall resign, Congress ought, in my opinion, to act upon the same principle, and leave but a single Brigadier General at the head of the army.

I have thought it necessary to say thus much, to redeem myself from the remarks of the gentleman from South Carolina. I thought it due to myself, considering the respectable source from which they came, not to suffer them to go before the public unanswered. I should think the saving of money to the Treasury an inconsiderable object, though it ought to be altogether disregarded, provided the services of a Major General were required by the army. I shall not reply to the other observations of the gentleman. That task has already been performed by the gentleman from Virginia, [Mr. Smyth,] in a much better manner than it could have been accomplished by me.

ADDRESS, JUNE, 1828,

ON THE ESTABLISHMENT OF COMMON SCHOOLS.[1]

FRIENDS AND FELLOW-CITIZENS.

The spectacle which I now behold, recalls strongly to my memory the days of other years. The scene now before me, presents nearly the same appearance that it did, nineteen years ago, when a graduate of Dickinson College, with trembling anxiety, I first addressed a public audience. But although the appearance is the same, how changed is the reality! Since then, the silent but mighty current of time, which is continually sweeping away the successive generations of men, has driven many of my collegiate friends & companions upon that peaceful shore, where "the wicked cease from troubling & the weary are at rest." The pencil of fancy cannot paint,—the heart alone can feel, the melancholy pleasure, which that man enjoys, who for a long period of years, has been buffeting the storms of life, when in the hour of calm reflection, he looks back upon the literary

[1] Buchanan Papers, Historical Society of Pennsylvania. This address, the manuscript of which is in Buchanan's own handwriting, was apparently delivered at Dickinson College in June, 1828.

solitude, the tranquillity—and the comparative happiness of his collegiate years. Such have been my feelings, upon revisiting my alma mater.

Since I ceased to be under her protection, I have been an anxious spectator of the vicissitudes of her fortune. I have rejoiced in her prosperity & mourned over her adversity: and I am happy now to be able to congratulate the numerous friends of Dickinson College throughout the country, upon the high character which she has so justly acquired. Long may she continue to be the seat of piety, of learning, & of extensive usefulness!

It is my intention, upon the present occasion, to address you upon the peculiar importance of universal education, under our form of government;—& to urge the necessity & propriety of establishing primary or common schools by law, throughout the State of Pennsylvania. I shall not dwell upon the advantages of classical learning,—of that education which is necessary to form great statesmen, great philosophers, or great divines. This subject has been so often discussed, that every argument has already been exhausted,—every flower has already been culled. To dispute the advantages of a classical education, in the nineteenth century, would be an act of barbarism, at war with the genius of the present age, & suited only to the ignorance, the superstition & the despotism of ages which have long since fled.

My present purpose is, to advocate that system of common education, which like the light of heaven, extends its advantages to all; & which will tend to make every citizen of this vast Republic wiser & better,—more sensible of the blessings of civil & religious liberty which he enjoys, & more firm & determined in defending them, against every attack.

The history of the world, until the American revolution, presented a melancholy spectacle. Since the days of Nimrod, the mighty hunter whose prey was man, & who established the first empire over his fellow men, a war has been waged, between the lust of dominion, & the love of liberty,—between power & right,—between the few & the many,—the rulers & the ruled. In this contest, the rights of the people have been almost uniformly sacrificed, upon the altar of ambition & power. Although the sun of liberty had, occasionally & at long intervals, arisen, & beamed upon small & detached portions of our globe; yet, after a short period, it had been uniformly

obscured, until at length it arose upon our favored land, I trust never to set. The hopes of the human race rest upon the grand experiment, which we are now making. Is man fit for self government? Our history must decide this all-important question. Upon our success depends the liberty of millions yet unborn, in all future generations. The empire of superstition & of despotism is now tottering throughout the civilized world. Whether it shall finally fall will depend upon the virtue & the wisdom of the American people. We are, at this day, the only people upon earth, in the enjoyment of rational liberty. That dawn which promised so fair & so bright a day, upon the Southern portion of our Continent, has been over-clouded. South America is, & forever will be, free from the dominion of Spain:—but whether the present generation, who have been educated under a severe & jealous despotism, be capable of self government, is a question which yet remains to be decided.

Our forefathers fled from the old world to the wilds of America, to escape from religious persecution, & to enjoy the liberty of worshipping their God, according to the dictates of their own conscience. These pilgrims caught a spark of civil liberty, from the altar of their religion, which they continued to cherish, until at length it burst forth in the flame of the American Revolution. We became independent; and we have established the most perfect, but at the same time, the most complicated form of Government which the world ever witnessed. We have reduced into successful practice, that which had been considered impracticable, an imperium in imperio. We have constituted a General Government, to manage the common interests of the whole American people; whilst we have established twenty four State Sovereignties, to take care of the individual or separate interests of the people, within their respective territorial jurisdictions. The attraction of the General Government, ought to be no greater than is sufficient to preserve the States, within their proper orbits. Should the day ever arrive, when its influence shall become so powerful, as to draw the States within its vortex, & to consolidate them with itself, the glory of our Republic will then be at an end. We may then exclaim, with the pious Æneas:

> "Fuimus Troës, fuit Ilium, et ingens
> Gloria Teucrorum."

On the other hand, disunion is equally to be dreaded with consolidation. The freedom & the happiness of the American

people are equally at war with both. Should the tendency towards disunion, become too powerful to be controlled by the federal Government, then the States

> " will run lawless through the void,
> Destroying others, by themselves destroyed."

In medio tutissimus ibis.

This complex Government, in all its various branches, springs from the people, & must be sustained by the people. Each elector in this country is a sovereign, in the strictest sense of the word. He is answerable to no tribunal, but that of God & his own conscience, for his exercise of the right of suffrage. This nicely balanced machine, therefore, can only be kept in regular motion,—the relative rights of the union and of the States can only be preserved inviolate by an enlightened & intelligent people. Education lies at the very root of all our Institutions,—it is the foundation upon which alone, they can repose in safety. Shall the people be educated, is a question not of mere policy; but it is a question of life & death, upon which the existence of our present form of Government depends.

Intelligence among the people has now become still more necessary, than it has ever been, since the adoption of the Federal constitution. Our Government has hitherto been kept in prosperous motion, by the heroes & the statesmen of the revolution. The influence of their opinion has had a most powerful effect in directing & controlling the public will. Most of them are now sleeping with their fathers, and those who remain with us are but the feeble relicks of another age. There is now no man, nor no set of men in this country, either would or ought to have a commanding influence over their countrymen. Our political fathers,—the founders of the Republic are gone, & under Providence, we must now depend upon ourselves.

It is scarcely necessary to observe, before this enlightened audience, that it would be at war with the vital principle of our Republic, to confine education to any particular class. Where there is universal suffrage, there ought to be universal education. These are the main pillars, upon which our temple of liberty rests. In the language of the declaration of independence, " all men are born equal." Distinctions of rank, & a monied aristocracy may be necessary to sustain a throne; but they would be death to a Republic. Patriotism is a hardy virtue which flourishes with as much vigor in the soil of poverty, as that of affluence. The

man who has but little wealth to love, will love his country, & his privileges as a freeman, with the greater ardor. Add intelligence to the patriotism of such men, and you will constitute the best citizens of a free state.

As, then, we value our inestimable rights & privileges:—as we value the perpetuity of our happy form of Government which has protected our lives, our liberty & our property, & has enabled each one of us to repose in security under our own vine & our own fig tree & there has been none to make us afraid:—as we value our religious liberty & the privilege of worshipping our God, according to the dictates of our own conscience, in a land where there is little bigotry, because there has been no persecution, & where sects which have been hostile in other countries, can live together in harmony, feeling no other emulation, but which shall be the most pious, the most useful, & the most devotedly attached to their common country:—As we value all these precious privileges, let us unite, heart & hand, each one in his sphere, & never cease to exert ourselves, until the benefits of a common education shall be conferred upon every citizen of this great & extensive Commonwealth.

The next question which demands our consideration, is, ought common schools to be established by law, for the education [of] the people? To answer this question will be but an easy task. The history of the world has established the truth of the position, that there is no other effectual method of imparting education to all; but by means of public schools. This system is not an untried experiment. It has long been in successful operation in the States of New England, & in New York; & their experience is conclusive, that it will answer the purpose for which it is intended. In establishing it, then, we shall not have to grope our way in the dark; but we shall be guided by the lights of experience. The expense of the system has not been found oppressive even among the cold & barren hills of New England: shall it then be dreaded by those whose lot has been cast, amidst the rich & fertile valleys of Pennsylvania? The system is very simple. It proposes to divide our counties into convenient school Districts, & to tax the inhabitants of each District, in proportion to their taxable property, for the maintenance of a common or primary school, for the education of all the children within its boundaries. Our laws have already provided the officers necessary to assess & collect this tax,—& the tax-gatherer might receive it from the people, at the same time that he collects the

county rates & levies. It is not my purpose, however, to go into detail.

Without urging any further the argument derived from the experience of our sister States, let us inquire whether it is not our duty to follow their example. The great Spartan law giver resolved "the whole business of legislation into the bringing up of youth." In his opinion the chief duty of a state was to provide for the education of its citizens. To prove that we ought to establish common schools, it would only be necessary to ask two plain & simple questions. Is it not the duty of our Government to provide for its own preservation? Are we not bound to transmit the liberty which we have inherited from our fathers unimpaired to our posterity. If these be solemn duties which we owe to our God, and to our country; they can be performed effectually, in no other manner, than by teaching our children to know & to prize their rights. An ignorant people, no matter how virtuous they may be, are easily misled. Besides vice is the natural companion of ignorance, whilst virtue loves to dwell with knowledge. Although poets have presented to us the most glowing pictures of the innocence & simplicity of man in a state of nature; although they have described that state as the golden age of the human race:—yet history & experience have taught us, that these are but the dreams of fancy, & that man, in his savage state, is selfish & cruel—& that his heart burns with fierce & ungovernable passions. Education is as necessary to correct his heart, as to inform his understanding. Virtue & knowledge must unite & exert their joint influence over the American people; or our Republic must fall a prey to some factious demagogue, or some military usurper. And shall not our Legislation provide for that education which is essential to the existence of our Government:—a Government, which not only secures our own safety & happiness; but which has been elevated on high, & become the beacon light of liberty, to cheer the wise & the good throughout the nations, & teach them to hope, even amid the gloom of despotism.

To a Being of superior intelligence, what a strange spectacle would our Commonwealth present! Whilst we are straining every nerve to improve the State;—whilst our Government is expending vast sums to draw forth all its physical resources, the very beings themselves, for whose advantage these great works have been undertaken, are neglected. In our different counties, we cheerfully submit to be taxed for the erection of bridges, for

making & keeping our public roads in repair, & for many other purposes. Shall we, then, not agree to be taxed, for the purpose of cultivating the minds of our children, & teaching them to be wise, to be virtuous, & to be pious? Shall we consent to contribute for the improvement of every thing, except ourselves?

The establishment of common schools would elevate the character of our schoolmasters, who next to the clergy, occupy the most important station in society. Next to the influence of the mother, that of the schoolmaster is felt throughout life. And here it may be proper to inquire, what ought to be the qualifications of an instructor of youth? He should command the respect, & the veneration of the pupils committed to his charge. He should understand the human character, & know when to be severe, & when to be merciful,—when to display the terrors of authority, & when to draw the youthful mind by the cords of affection. Before he attempts to instruct others, he ought himself to be instructed. What is the state of the case under the existing system? The occupation of a country schoolmaster is one to which but few men resort, who are capable of discharging its all-important duties. When such men resort to that employment, it is from necessity, not from choice. All are willing to abandon it, whenever they have an opportunity of embarking in any other business. The consequence is, that at most schools, there is a rapid succession of incompetent schoolmasters, who teach children nothing correctly. Instead of acquiring a taste for knowledge, which would accompany them through life, they become disgusted with the unmeaning jargon which they have been taught at school, & ever after feel an aversion to the pursuit of knowledge. Indeed, such is now the situation of our schools throughout the State, that in many instances, parents feel themselves obliged to send their children abroad to receive a common English education; and thus, in one year, incur a heavier expense, than their proportion of the tax necessary to support a common school would amount to, in an ordinary life time.

The establishment of common schools would be a remedy for all these evils. It would elevate the schoolmaster to that rank in society, to which he is justly entitled. It would call into that profession men of worth & capacity, who would undertake the education of youth, not as a mere expedient, but as a permanent employment. It would place such men above the caprice or injustice of individuals, by affording them a competent & fixed salary. They would then depend not upon the will of the

few; but upon that of a majority of the people, within their respective school Districts.

Such common schools would collect together all the children of the District, upon terms of perfect equality. Each child, born within the State, would then have the same right to be educated by his country, that he now has to breathe its air, or to enjoy its sunshine. The odious distinction which at present exists, between poor scholars whose parents are unable to pay for their education, & the other children of the school, would exist no longer. That feeling of independence, which is the germ of every great quality & every Republican virtue, would no longer be blunted in the children of the poor, by the conscious feeling, that they depended upon charity for their education. They would no longer be pointed at by the other scholars, as objects of pity or contempt. All the pupils at a public school would meet upon a perfect level, & among them, merit would be, as it ought to be, the only distinction.

Genius is a plant which is as natural to the soil of poverty as that of affluence. It is a gift which Providence scatters with equal profusion among the children of the cottage, & the children of the palace. But without common schools, in what manner is the bud of genius in the offspring of the poor to be expanded? Establish these schools, & then those gifted children, who possess extraordinary powers of mind, will have a field presented to them by their country, upon which to display their talents. This display will transplant them, from the common school to the College, & will procure for them an opportunity to exercise those powers for the benefit of mankind, which would otherwise have lain dormant, in the oblivion of poverty. The "village Hampdens, that with dauntless breast" would otherwise have only withstood "the little tyrant of their fields," will be called into the service of their country to defend its rights & its liberties. And the mute inglorious Miltons will elevate the character of the nation, by singing in the sweetest strains of Epic poetry. In our country, we shall no longer realize the complaint of the poet; that

> "Full many a gem, of purest ray serene,
> The dark unfathom'd caves of ocean bear:
> Full many a flow'r is born to blush unseen,
> And waste its sweetness on the desert air."

This system, by introducing among the people a general love of knowledge, would not only be a rich source of individual happiness, but a powerful preventive of vice & immorality.

Who that can enjoy himself at home in the pursuit of knowledge will ever be tempted to fly to the gambling table or to the tavern for amusement? Such a man has a source of calm and rational enjoyment within himself, always at command, which will preserve him from those boisterous & sensual pleasures which prey both upon the body & upon the soul. No greater blessing can be conferred upon any people than to inspire them with a love of knowledge. Religion & virtue must follow in its train.

It has been & it may be objected to this system that it is unequal & unjust; because it imposes a tax upon property, without regarding whether the owners have many or few children to be educated, or even whether they have any. This objection is more specious than solid. Is it not just that the rich man should contribute towards this tax, as he now does to others, in proportion to the property which he has to protect? Shall he pay cheerfully, in proportion to his wealth for the purpose of administering the Government; and yet refuse to be taxed in the same proportion to diffuse education among the people, upon which the very existence of the Government depends?

But again. The rich man ought to remember that he may become poor; and that even should fortune continue to smile upon him, all his days, his posterity may be compelled to eat the bitter bread of poverty. There is no country upon the face of the earth, in which "riches so often take to themselves wings & fly away," as in our own. How many estates have been lost in our day, by a wild spirit of speculation? How often have we witnessed the hard earnings of a life of avarice & toil, squandered in a few years by the profligacy of an heir?

The division & subdivision of estates, under our laws, without any other cause, will of itself, in the course of a few generations cut up the largest estates into small fractions. The struggle for wealth which is forever carried on throughout this country is perpetually elevating the poor & depressing the rich. A wise man who looks through the vista of futurity & reflects upon the vicissitudes of human fortune, will calculate that although Providence, in his generation, may have caused his cup to overflow; yet that in future generations not remote, his posterity may be doomed to suffer the miseries of poverty. What more glorious legacy then can he leave his children than a pledge sanctified by the laws of his country, and which will endure as long as they shall endure, that his descendants shall receive a religious & virtuous education? That if he has, in his day,

out of his abundance, paid a little more than his proportion of the tax to establish common schools, he has thereby secured to his posterity, whether they be in affluence or in poverty, the innumerable blessings which flow from piety & knowledge. He casts his bread upon the waters, and if it should not return to bless him during his pilgrimage, it will assuredly return after many days to bless his posterity.

Before I take my seat, I shall advert to another topic. I will apply the general argument in favor of Common Schools to the peculiar situation of Pennsylvania. If my voice could be heard throughout the Commonwealth, I would address her State pride & invoke its aid in the cause of common education. It would be enlisting a noble principle in defence of a good cause. When State pride is confined within proper limits,—when it is not jealous of a sister's fame; but can admire excellence in her, even if she be a rival, it becomes the parent of many public virtues. It teaches us to love our native soil with more devotion,—it identifies the feelings of the individual with those of his State,—it makes him glory in her prosperity & in her fame as though they were his own, and it stimulates us to a vigorous contest with our Sister States, for the palm of excellence. Shall Pennsylvania, then, look with cold indifference upon the system of common Schools which is now established throughout New York & the New England States, and make no effort to communicate the same advantages to her own citizens? Shall a common education be the birth right of every man who draws his first breath in New York or in Massachusetts, and shall the native citizen of Pennsylvania be doomed to ignorance by the neglect of his native State? Shall we patiently behold other States contending for that moral power in the union which must ever spring from knowledge, without making a single effort in the glorious cause of education? I trust not. I hope for better things.

Pennsylvania is destined to exert an influence over her Sister States superior to that of any other member of the Confederacy. Her position is in the centre of the Confederacy, and the character of her citizens eminently qualifies her to hold the balance steadily between the East & the West,—the North & the South. She is jealous of none of her sisters,—nor has she incurred the jealousy of any of them. Her stake in the preservation of the union is probably greater than that of any other State. Should the union ever be dissolved, which God forbid! she is destined to become the Flanders of America. Whilst it

shall continue, she must be prosperous,—she must act a distinguished part among her sisters, either for good or for evil. She cannot, if she would, stand still. With what amazing force, then, does the language of the father of his Country apply to her! "In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened." The diffusion of education among her citizens may & probably will produce a lasting influence upon "ages unborn & nations yet behind." We owe it to ourselves & to our children,—we owe it to our Sister States,—we owe it to the world, to establish Common Schools for the education of a population which must exercise such an influence upon the preservation of our glorious union & upon the destinies of mankind.

Whilst advocating this system, I wish distinctly to be understood, that I would not have it forced upon the people against their will, by their Legislature. The best cause might be sacrificed by such an arbitrary exercise of power. But I would, if I could, convince the people of this Commonwealth of the vast importance of common Schools to them & to their children & I would persuade them to command their Representatives to enact a law for their establishment.

In conclusion, I shall observe, that if the base passion of envy could ever be excused, a man ambitious of true glory might almost be justified, in envying the fame of that favored mortal, whoever he shall be, whom Providence intends to make the instrument in establishing common Schools throughout Pennsylvania. His fame will exceed that of the great Clinton, in the same proportion that mind is superior to matter. Whilst the one has erected a frail memorial which like every thing human, must in the course of ages decay & perish; the other will erect a monument which shall flourish in immortal youth & endure whilst the soul of man shall continue to exist.

REMARKS, DECEMBER 11, 1828,

ON THE EXTENSION OF THE TERM OF EXPORTATIONS WITH BENEFIT OF DRAWBACKS.[1]

Mr. Buchanan said, it was his intention to vote in favor of the bill, and he wished, in a few words, to state his reasons. It is true, as the gentleman from Kentucky [Mr. Wickliffe] has stated,

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[1] Register of Debates, 20 Cong. 2 Sess. 1828–1829, V. 98–99.

that the passage of this bill will diminish our annual revenue from $130,000 to $160,000. The question, then, is, will the object sought to be accomplished more than indemnify the country for this loss of revenue? He thought it would. The bill rests upon a very simple principle. Great Britain is struggling to obtain the carrying trade of the world. She has established free ports throughout her extensive dominions, in which her merchants may deposite foreign merchandise without the payment of any transit duty. The wise principle upon which she acts, is, to burthen her foreign trade as little as possible. It passes free through her dominions to foreign countries.

The question, then, is, shall the American merchant be placed upon the same footing? Great Britain is our great rival for the carrying trade; and ought we not to enable our merchants to struggle against this powerful competition with the same advantages which her merchants possess? Our laws impose a transit duty of two and a half per cent. upon the existing rate of duty, on all foreign merchandise imported into the United States, to be transported to foreign countries. This operates as a discriminating duty in favor of the English and against the American merchant. All other circumstances being equal, it would, in effect, be a premium to that amount, to enable the foreign merchants to undersell our merchants in foreign markets. The simple question, then, is, shall we protect our foreign commerce by affording it the same advantages with the foreign commerce of Great Britain?

At the last session of Congress, Mr. B. said, he had exerted all his feeble abilities to promote the passage of a law for the protection of agriculture and manufactures. He considered commerce equally entitled to our favor. Its protection was equally a part of the great American System. The duty which he felt he owed to the commerce and the mercantile interest of the country, would not suffer him to vote against this bill. It was calculated to build up our foreign trade, and enable our merchants to enter into a fair competition with the merchants of the other commercial nations of the world.

The yeas and nays were then taken, and stood as follows: yeas 153, nays 28.

So the bill was passed, and sent to the Senate.

REMARKS, DECEMBER 23, 1828,

ON THE BILL FOR THE OCCUPATION OF THE OREGON RIVER.[1]

Mr. Buchanan was not unfriendly to the bill, but thought its language ought to be studied with great care, lest the nation should inadvertently compromit its own rights. He disliked that feature in the amendment which proposed a monopoly to one company of forty miles square; and, believing that the subject required more mature consideration, moved that the Committee rise, and it rose accordingly.

1829.

AMENDMENT, JANUARY 15, 1829,

TO THE CUMBERLAND ROAD BILL.[2]

Mr. Buchanan now entered the House, and wished to offer an amendment to the Cumberland road bill.

The Chairman said that, as that bill had been laid aside, it would not be regular to receive the amendment.

Mr. Buchanan insisted that, so long as the Committee remained in session, it was his right to offer an amendment to any of the bills it had had under consideration.

The Chairman replied that the case was new to him, and he deemed such a course irregular, but should receive the amendment, if the Committee unanimously assented to it.

Mr. Bassett now withdrew his motion for the rising of the committee, and no objections being made, Mr. Buchanan offered his amendment, which went to strike out the whole of the bill, after the enacting clause, with the exception of one hundred thousand dollars, to put the road in repair; and to provide, in substance, that the several parts of the road passing through different States should be ceded to those States on certain conditions. Mr. B. after a few general observations on the great importance of the constitutional question involved in the bill, expressed his desire, that, owing to the feeble state of his health, the farther consideration of this bill might be postponed till Monday next; which being agreed to, the Committee rose, and reported the other bills to the House.

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[1] Register of Debates, 20 Cong. 2 Sess. 1828–1829, V. 126.

[2] Register of Debates, 20 Cong. 2 Sess. 1828–1829, V. 215.

SPEECH, JANUARY 19, 1829,

ON THE CUMBERLAND ROAD.[1]

The House then went into Committee of the Whole on the state of the Union. The Committee, on motion of Mr. Mercer, proceeded to consider the bill for the preservation and repair of the Cumberland road—the amendment offered by Mr. Buchanan, which went to strike out the first seven sections of the bill, and to provide, in substance, that the several parts of the road passing through different States should be ceded to those States, provided they would erect toll gates upon it, and keep it in repair, being under consideration.

Mr. Buchanan said that the bill and the amendment now before the Committee presented a subject for discussion of the deepest interest to the American people. It is not a question [said Mr. B.] whether we shall keep the road in repair by annual appropriations; nor whether we shall expend other millions in constructing other Cumberland roads; these would be comparatively unimportant: but it is a question, upon the determination of which, in my humble judgment, depends the continued existence of the Federal constitution, in any thing like its native purity. Let it once be established that the Federal Government can enter the dominion of the States; interfere with their domestic concerns; erect toll gates over all the military, commercial, and post roads, within their territories, and define and punish, by laws of Congress, in the courts of the United States, offences committed upon these roads; and the barriers, which were erected by our ancestors with so much care, between Federal and State power, are entirely prostrated. This single act would, in itself, be a longer stride towards consolidation than the Federal Government have ever made; and it would be a precedent for establishing a construction for the Federal constitution so vague, and so indefinite, that it might be made to mean any thing, or nothing.

It is not my purpose, upon the present occasion, again to agitate the questions which have so often been discussed in this House, as to the powers of Congress in regard to Internal Improvements. For my own part, I cheerfully accord to the Federal Government the power of subscribing stock, in companies incorporated by the States, for the purpose of making roads and canals; and I entertain no doubt whatever, but that we can, under

[1] Register of Debates, 20 Cong. 2 Sess. 1828–1829, V. 240–244.

the constitution, appropriate the money of our constituents directly to the construction of Internal Improvements, with the consent of the States through which they may pass. These powers I shall ever be willing to exercise, upon all proper occasions. But I shall never be driven to support any road or any canal, which my judgment disapproves, by a fear of the senseless clamor which is always attempted to be raised against members upon this floor, as enemies to Internal Improvement, who dare to vote against any measure which the Committee on Roads and Canals think proper to bring before this House. It was my intention to discuss the power of Congress to pass the bill, and its policy, separately. Upon reflection, I find these subjects are so intimately blended, they cannot easily be separated. I shall, therefore, consider them together.

Before, however, I enter upon the subject, it will be necessary to present a short historical sketch of the Cumberland road. It owes its origin to a compact between the State of Ohio and the United States. In 1802, Congress proposed to the convention which formed the constitution of Ohio, that they would grant to that State one section of land in each township, for the use of schools; that they would also grant to it several tracts of land on which there were salt springs; and that five per cent. of the net proceeds of the future sales of public lands within its territory should be applied to the purpose of making public roads, "leading from the navigable waters emptying into the Atlantic to the Ohio, to the said State, and through the same." The act, however, distinctly declares that such roads shall be laid out under the authority of Congress, "with the consent of the several States through which the road shall pass." These terms were offered by Congress, to the State of Ohio, provided she would exempt, by an irrevocable ordinance, all the land which should be sold by the United States within her territory, from every species of taxation, for the space of five years after the day of sale. This proposition of Congress was accepted by the State of Ohio; and it thus became a compact, the terms of which could not be changed without the consent of both the contracting parties. By the terms of the compact, this five per cent. of the nett proceeds of the sales of the public land was applicable to two objects: the first, the construction of roads leading from the Atlantic to the State of Ohio; and the second, the construction of roads within that State. In 1803, Congress, at the request of Ohio, apportioned this fund between these two objects. Three of the five per cent. was appropriated

to the construction of roads within the State; leaving only two per cent. applicable to roads leading from the navigable waters of the Atlantic to it.

In March, 1806, Congress determined to apply this two per cent. fund to the object for which it was destined, and passed "An act to regulate the laying out and making of a road from Cumberland, in the State of Maryland, to the State of Ohio." Under the provisions of this act, before the President could proceed to cut a single tree upon the route of the road, it was made necessary to obtain the consent of the States through which it passed. The Federal Government asked Maryland, Pennsylvania, and Virginia, for permission to make it, and each of them granted this privilege in the same manner that they would have done to a private individual, or to a corporation created by their own laws.

Congress, at that day, asserted no other right than a mere power to appropriate the money of their constituents to the construction of this road, after the consent of these States should be obtained. The idea of a sovereign power in this Government to make the road, and to exercise jurisdiction over it, for the purpose of keeping it in repair, does not, then, appear to have ever entered the imagination of the warmest advocate for federal power. The federalism of that day would have shrunk with horror from such a spectre. There is a circumstance worthy of remark in the act of the Legislature of Pennsylvania, which was passed in April, 1807, authorizing the President of the United States to open this road. It grants this power upon condition that the road should pass through Uniontown and Washington, if practicable? The grant was accepted upon this condition, and the road was constructed. Its length is one hundred and thirty miles, and its construction and repairs have cost the United States one million seven hundred and sixty-six thousand one hundred and sixty-six dollars and thirty-eight cents; whilst the two per cent. fund which we had bound ourselves to apply to this purpose, amounted, on the 30th of June, 1822, the date of the last official statement within my knowledge, only to the sum of one hundred and eighty-seven thousand seven hundred and eighty-six dollars and thirty-one cents; less than one-ninth of the cost of the road. This road has cost the United States more than thirteen thousand five hundred dollars per mile. This extravagant expenditure shows, conclusively, that it is much more politic for us to enlist individual interest in the cause of Internal Improvement, by subscribing stock, than to become ourselves sole proprietors. Any Govern-

ment, unless under extraordinary circumstances, will pay one-third more for constructing a road or canal, than would be expended by individuals in accomplishing the same object.

I shall now proceed to the argument. Upon a review of this brief history, what is the conclusion at which we must arrive? That this road was made by the United States, as a mere proprietor, to carry into effect a contract with the State of Ohio, and not as a sovereign. In its construction, the Federal Government proceeded as any corporation or private individual would have done. We asked the States for permission to make the road through the territories over which their sovereign authority extended. After that permission had been obtained, we appropriated the money and constructed the road. The State of Pennsylvania even annexed a condition to her grant, with which the United States complied. She also conferred upon the agents of the United States the power of taking materials for the construction and repair of this road, without the consent of the owner, making a just compensation therefor. This compensation was to be ascertained under the laws of the State, and not under those of the United States. The mode of proceeding to assess damages in such cases against the United States was precisely the same as it is against corporations, created by her own laws, for the purpose of constructing roads.

What, then, does this precedent establish? Simply, that the United States may appropriate money for the construction of a road through the territories of a State, with its consent; and I do not entertain the least doubt but that we possess this power. What does the present bill propose? To change the character which the United States has hitherto sustained, in relation to this road, from that of a simple proprietor to a sovereign. To declare to the nation, that, although they had to ask the States of Maryland, Pennsylvania and Virginia, for permission to make the road, now, after it is completed, they will exercise jurisdiction over it, and collect tolls upon it, under the authority of their own laws, for the purpose of keeping it in repair. We will not ask the States to erect toll-gates for us. We are determined to exercise that power ourselves. The Federal Government first introduced itself into the States as a friend, by permission; it now wishes to hold possession as a sovereign, by power. This road was made in the manner that one independent sovereign would construct a road through the territories of another. Had Virginia been a party to the compact with Ohio, instead of the United States, she

would have asked the permission of Maryland and Pennsylvania to construct the Cumberland Road through their territories, and it would have been granted. But what would have been our astonishment, after this permission, had Virginia attempted to assume jurisdiction over the road in Pennsylvania, to erect toll-gates upon it under the authority of her own laws, and to punish offenders against these laws in her own courts. Yet the two cases are nearly parallel.

The right to demand toll, and to stop and punish passengers for refusing to pay it, is emphatically a sovereign right, and has ever been so considered amongst civilized nations. The power to erect toll-gates necessarily implies, 1st, The stoppage of the passenger until he shall pay the toll; 2d, His trial and punishment, if he should, either by force or by fraud, evade, or attempt to evade, its payment; 3d, A discretionary power as to the amount of toll; 4th, The trial and punishment of persons who may wilfully injure the road, or violate the police established upon it. These powers are necessarily implied. Without the exercise of them, you could not proceed with safety to collect the toll for a single day. Other powers will soon be exercised. If you compel passengers to pay toll, the power of protecting them whilst travelling along your road is almost a necessary incident. The sovereign, who receives the toll, ought naturally to possess the power of protecting him who pays it. To vest the power of demanding toll in one sovereign, and the protection of the traveller's person in another, would be almost an absurdity. The Federal Government would probably, ere long, exercise the power of trying and punishing murders and robberies, and all other offences committed upon the road. To what jurisdiction would the trial and punishment of these offences necessarily belong? To the courts of the United States, and to them alone. In Ohio, in New York, in Virginia, and in Maryland, it has been determined that State courts, even if Congress should confer it, have no jurisdiction over any penal action, or criminal offence, against the laws of the United States. Even if these decisions were incorrect, still it has never been seriously contended that State courts were bound to take jurisdiction in such cases. It must be admitted, by all, that Congress have not the power to compel an execution of their criminal or penal laws by the courts of the States. This is sufficient for my argument. Even if the power existed, in State courts, they never ought, unless upon extraordinary occasions, to try and to punish offences committed

against the United States. The peace and the harmony of the people of this country require that the powers of the two governments should never be blended. The dividing line between their separate jurisdictions should be clearly marked; otherwise dangerous collisions between them must be the inevitable consequence. In two of the States through which this road passes, it has already been determined that their courts cannot take jurisdiction over offences committed against the laws of Congress. What, then, is the inevitable consequence? All the penal enactments of this bill, or of the future bills which it will become necessary to pass to supply its defects, must be carried into execution by the Federal courts. Any citizen of the United States, charged with the most trifling offence against the police of this road, must be dragged for trial to the Federal court of that State within whose jurisdiction it is alleged to have been committed. If committed in Maryland, the trial must take place in Baltimore; if in Pennsylvania, at Clarksburg.

The distance of one hundred or two hundred miles, which he would be compelled to travel to take his trial, and the expenses which he must necessarily incur, would, in themselves, be a severe punishment for a more aggravated offence. Besides, the people of the neighborhood would be harassed in attending as witnesses at such a great distance from their places of abode. These, and many other inconveniences, which I shall not enumerate, would soon compel Congress to authorize the appointment of justices of the peace, or some other inferior tribunals, along the whole extent of the Cumberland Road.

Can any man lay his hand upon his heart and say that, in his conscience, he believes the Federal Constitution ever intended to bestow such powers on Congress? The great divisions of power, distinctly marked in that instrument, are external and internal. The first are conferred upon the General Government —the last, with but few exceptions, and those distinctly defined, remain in possession of the States. It never—never was intended that the vast and mighty machinery of this Government should be introduced into the domestic, the local, the interior concerns of the States, or that it should spend its power in collecting toll at a turnpike gate. I have not been presenting possible cases to the committee. I have confined myself to what must be the necessary effects of the passage of the bill now before us. By what authority is such a tremendous power claimed? That it is not expressly given by the Constitution, is certain. If it exists at all,

it must, therefore, be incidental to some express power; and in the language of the Constitution, " be necessary and proper for carrying that power into execution." From the very nature of incidental power, it cannot transcend the specific power which calls it into existence. The stream cannot flow higher than its fountain. This principle applies, with peculiar force, to the construction of the constitution. For the purpose of carrying into effect any of its specific powers, it would be absurd to contend that you might exercise another power, greater and more dangerous than that expressly given. The means must be subordinate to the end. Were any other construction to prevail, this Government would no longer be one of limited powers.

The present case affords a striking and forcible illustration of this principle. Let it be granted that you have a right, as proprietor, by the permission of the States, to make a road through their territories, can it ever follow, as an incident to this mere power of appropriating the public money, that you may exercise jurisdiction over this very road, as a sovereign? If you could, the incident is as much greater than the principal, as sovereign is superior to individual power. It does follow that you can keep the road in repair, by appropriations, in the same manner that you have made it; but this is the utmost limit of your power. What, sir! Exclusive jurisdiction over the road, for its preservation, and for the punishment of all offenders who travel upon it, and that as an incident to the mere power of expending your money upon its construction! The idea is absurd.

Under the power given to Congress " to establish post offices and post roads," the Federal Government possess the undoubted right of converting any road already constructed, within any State of this Union, into a post road. Let it also be granted, for the sake of the argument, that they possess the power, independently of the will of the States, to construct as many post roads throughout the Union as they think proper, and to keep them in repair; does it follow that they can establish toll gates upon such roads? Certainly not. What is the nature of the power conferred upon Congress? It is a mere right to carry and to protect the mail. It is confined to a single purpose—to the transportation of the mail, and the punishment of offences which violate that right. This is the sole object of the power—the sole purpose for which it was called into existence. Over some post roads, the mail is carried once per day; and over others once per week. With what justice can it be contended that this right of

passage for a single purpose—this occasional use of the roads within the different States for post roads—vests in Congress the power of closing up these roads against all the citizens of those States, at all times, until they have paid such a toll as we may think proper to impose. Let me present the naked argument of gentlemen before their own eyes. Congress have the right, under the constitution, "to establish post offices and post roads." As an incident they possess the power of constructing post roads. As another incident to this right of passage for a single purpose they possess the power to assume jurisdiction over all post roads in the different States, and prevent any person from passing over them, unless upon such terms as they may prescribe. This would, indeed, be construction construed. I would ask the gentleman from Virginia [Mr. Mercer] to furnish the Committee with an answer to this argument. If I were to grant to that gentleman a right of passage, for a particular purpose only, over a road which belonged to me, what would be my surprise and my indignation, were he to shut it up, by the erection of toll gates, and prohibit me from passing unless I paid him toll.

Should Congress act upon the precedent which the passage of this bill would establish, it is impossible to foresee the dangers which must follow, to the States and to the people of this country. Upon this branch of the question, permit me to quote the language of Mr. Monroe, in his celebrated message of May, 1822, denying the constitutional power of Congress to erect toll gates on the Cumberland road: "If, said he, the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with, or alter them? Might they not establish turnpikes, and exercise all the other acts of sovereignty above stated, over such roads, necessary to protect them from injury, and defray the expense of repairing them? Surely, if the right exists, these consequences necessarily followed, as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way, a large portion of the territory of every State might be taken from it: for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened." Arguments of the same nature would apply with equal, if not greater force, to those roads which might be used by the United States for the

transportation of military stores, or as the medium of commerce between the different States. I shall not now enlarge upon this branch of the subject, believing it, as I do, to be wholly unnecessary.

There is another view of this subject, which I deem to be conclusive. The constitution of the United States provides that "Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise the like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." This is the only clause in the constitution which authorizes the Federal Government to acquire jurisdiction over any portion of the territory of the States; and this power is expressly confined to such forts, magazines, arsenals, dock-yards, and other needful buildings, as the States may consider necessary for the defence of the country. You will thus, sir, perceive, with what jealousy our ancestors conferred jurisdiction upon this Government—even over such places as were absolutely necessary for the exercise of the power of war. This power—which is the power of self-defence—of self-preservation—the power given to this Government of wielding the whole physical force of the country, for the preservation of its existence and its liberties—does not confer any implied jurisdiction over the smallest portion of territory. An express authority is given to acquire jurisdiction, for military and for naval purposes, and for them alone, with the consent of the States. Unless that consent has been first obtained, the vast power of war confers no incidental jurisdiction, even over the cannon in your national fortifications. How, then, can it be contended, with the least hope of success, that the same constitution, which thus expressly limits our power of acquiring jurisdiction, to particular spots, necessary for the purpose of national defence, should, by implication, as an incident to the power to establish post offices and post roads, authorize us to assume jurisdiction over a road one hundred and thirty miles in length, and over all the other post roads in the country. If this construction be correct, all the limitations upon Federal power, contained in the constitution, are idle and vain. There is no power which this Government shall ever wish to usurp, which cannot, by ingenuity, be found lurking

in some of the express powers granted by the constitution. In my humble judgment, the argument in favor of the constructive power to pass the sedition law is much more plausible than any which can be urged by the advocates of this bill, in favor of its passage. I beg gentlemen to reflect, before they vote in its favor.

I thank the gentleman from Ohio [Mr. Vance] for having reminded me of the resolution passed by the Legislature of Pennsylvania, at their last session, which authorizes the Federal Government to erect toll-gates upon this road, within that Commonwealth; to " enforce the collection of tolls, and, generally, to do and perform any and every other act and thing which may be deemed necessary, to ensure the permanent repair and preservation of the said road."

I feel the most unfeigned respect for the Legislature of my native State. Their deliberate opinion, upon any subject, will always have a powerful influence over my judgment. It is fairly entitled to as much consideration as the opinion of this or any other legislative body in the Union. This resolution, however, was adopted, as I have been informed, without much deliberation, and without debate. It owes its passage to the anxious desire which that body feel to preserve the Cumberland road from ruin. The constitutional question was not brought into discussion. Had it been fairly submitted to that Republican Legislature, I most solemnly believe they would have been the last in this Union to sanction the assumption, by this Government, of a jurisdiction so ultra-federal in its nature, and so well calculated to destroy the rights of the States.

But this resolution can have no influence upon the present discussion. The people of the State of Pennsylvania never conferred upon their Legislature the power to cede jurisdiction over any portion of their territory to the United States, or to any other sovereign. If the Legislatures of the different States could exercise such a power, the road to consolidation would be direct. If they can cede jurisdiction to this Government over any portion of their territories, they can cede the whole, and thus altogether destroy the Federal system.

Even if the States possessed the power to cede, the United States have no power to accept such cessions. Their authority to accept cessions of jurisdiction is confined to places " for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." Mr. Monroe, in the message to which I have

already referred, declares his opinion, "that Congress do not possess this power; that the States, individually, cannot grant it: for, although they may assent to the appropriation of money, within their limits, for such purposes, they can grant no power of jurisdiction, or sovereignty, by special compacts with the United States."

I think it is thus rendered abundantly clear, that, if Congress do not possess the power, under the Federal constitution, to pass this bill, the States through which the road passes cannot confer it upon them. I feel convinced that even the gentleman who reported this bill [Mr. Mercer] will not contend that the resolution of the Legislature of Pennsylvania could bestow any jurisdiction upon this Government. I am justified in this inference, because that resolution is, in its nature, conditional, and requires that the amount of tolls collected in Pennsylvania shall be applied, exclusively, to the repair of the road within that State; and the present bill contains no provision to carry this condition into effect. The gentleman cannot, therefore, derive his authority to pass this bill from a grant, the provisions of which he has disregarded.

This question has already been settled, so far as a solemn legislative precedent can settle any question. During the session of 1821–2, a bill, similar in its provisions to the one now before the Committee, passed both Houses of Congress. The vote, on its passage in this House, was eighty-seven in the affirmative, and sixty-eight in the negative. Mr. Monroe, then President of the United States, returned this bill to the House of Representatives, with his objections. So powerful, and so convincing, were his arguments, that, upon its re-consideration, but sixty-eight members voted in the affirmative, whilst seventy-two voted in the negative. Thus, sir, you perceive, that this House have already solemnly declared, in accordance with the deliberate opinion of the late President of the United States, that Congress do not possess the power to erect toll-gates upon the Cumberland road. That distinguished individual was the last of the race of Revolutionary Presidents, and, from the soundness of his judgment, and the elevated stations which he has occupied, his opinion is entitled to the utmost respect. He was an actor in many of the political scenes of that day when the constitution was framed, and when it went into operation, under the auspices of Washington—"all which he saw, and part of which he was." He is, therefore, one of the few surviving statesmen, who, from actual knowledge,

can inform the present generation what were the opinions of the past. The solemnity and the ability with which he has resisted the exercise of the power of Congress to pass this bill prove, conclusively, the great importance which he attached to the subject.

During that session, which was the first I had the honor of a seat in this House, I voted for the passage of that bill. I had not reflected upon the constitutional question, and I was an advocate of the policy of keeping the road in repair by collecting tolls from those who travelled upon it. After I read the constitutional objections of Mr. Monroe, my opinion was changed, and I have ever since been endeavoring, upon all proper occasions, to atone for my vote, by advocating a cession of the road to the respective States through which it passes, that they may erect toll-gates upon it and keep it in repair. There was a time in the history of this country—I refer to the days of the first President of the United States—when this Government was feeble, and when, in addition to its own powers, the weight of his personal character was necessary fairly to put it in motion. Jealousy of Federal power was then the order of the day. The gulf of consolidation then yawned before the imagination of many of our wisest and best patriots, ready to swallow up the rights of the States and the liberties of the people. In those days, this vast machine had scarcely got into regular motion. Its power and its patronage were then in their infancy, and there was, perhaps, more danger that the jealousy of the States should destroy the efficiency of the Federal Government, than that it should crush their power. Times have changed. The days of its feebleness and of childhood have passed away. It is now a giant—a Briareus—stretching forth its hundred arms, dispensing its patronage, and increasing its power over every portion of the Union. What patronage and what power have the States to oppose to this increasing influence? Glance your eye over the extent of the Union; compare State offices with those of the United States; and whether avarice or ambition be consulted, those which belong to the General Government are greatly to be preferred to the offices which the States can bestow. Jealousy of Federal power—not of a narrow and mean character, but a watchful and uncompromising jealousy—is now the dictate of the soundest patriotism. The General Government possesses the exclusive right to impose duties upon imports—by far the most productive and the most popular source of revenue. United and powerful efforts are now making to destroy the revenue which the States derive from sales at auction. This

Government is now asked to interpose its power between the buyer and seller, and put down public sales of merchandise within the different States—a subject heretofore believed to be within the exclusive jurisdiction of the State sovereignties. Whilst the Federal Government has been advancing with rapid strides, the people of the States have seldom been awakened to a sense of their danger. In the late political struggle, they were aroused, and they nobly maintained their own rights. This, I trust, will always be the case hereafter. Thank Heaven! whilst the people continue true to themselves, the constitution contains within itself those principles which must ever preserve it. From its very nature—from a difference of opinion as to the constructive powers which may be necessary and proper to carry those which are enumerated into effect—it must ever call into existence two parties, the one jealous of Federal, the other of State power; the one anxious to extend Federal influence, the other wedded to State rights; the one desirous to limit, the other to extend, the power and the patronage of the General Government. In the intermediate space there will be much debatable ground; but a general outline will still remain sufficiently distinct to mark the division between the political parties which have divided, and which will probably continue to divide, the people of this country. Jealousy of Federal power had long been slumbering. The voice of Virginia sounding the alarm has at length awakened several of her sister States; and, although they believe her to be too strict in her construction of the Constitution and her doctrines concerning State rights, yet, they are now willing to do justice to the steadiness and patriotism of her political character. She has kept alive a wholesome jealousy of Federal power. If, then, there be a party in this country friendly to the rights of the States and of the people, I call upon them to oppose the passage of this bill. Should it become a law, it will establish a precedent under the authority of which the sovereign power of this Government can be brought home into the domestic concerns of every State in the Union. We may then take under our own jurisdiction every road over which the mail is carried; every road over which our soldiers and warlike munitions may pass; every road used for the purpose of carrying on commerce between the several States. Once establish this strained construction of the Federal Constitution, and I would ask gentlemen to point out the limit where this splendid government shall

be compelled to stay its chariot wheels. Might it not then drive on to consolidation, under the sanction of the Constitution?

Is there any necessity for venturing upon this dangerous and doubtful measure? I appeal to those gentlemen who suppose the power to be clear, what motive they can have for forcing this measure upon us, who are of a different opinion? Can it make any difference to them whether those toll-gates shall be erected under a law of the United States, or under State authority? Cannot the Legislature of Pennsylvania enact this bill into a law as well as the Congress of the United States? Nobody will doubt their right. I trust no gentleman upon this floor will question the fidelity of that State in complying with all her engagements. She has ever been true to every trust. If she should accept of the cession, as I have no doubt she would, I will pledge myself that you shall never again hear of the road, unless it be that she has kept it in good repair, and that under her care it has answered every purpose for which it was intended.

I know that some popular feeling has been excited against myself in that portion of Pennsylvania through which the road passes. I have been represented as one of its greatest enemies. I now take occasion thus publicly to deny this allegation. It is true that I cannot vote in favor of the passage of this bill, and thus, in my judgment, violate the oath which I have taken to support the Constitution of the United States. No man can expect this from me. But it is equally true that I have heretofore supported appropriations for the repair of this road; and should my amendment prevail, I shall vote in favor of the appropriation of one hundred thousand dollars for that purpose which is contained in this bill.

REMARKS, JANUARY 20, 1829,

ON THE PROPOSED TERRITORY OF HURON.[1]

Mr. Buchanan disavowed every thing like hostility to the bill. He had desired its postponement only for the obtainment of farther information; having received this, and being now satisfied as to the extent and the necessities of the population to be provided for, he was decidedly in favor of the bill. By the original contract with Virginia, the United States were bound to erect the territory ceded by her into new States, so soon as they should

[1] Register of Debates, 20 Cong. 2 Sess. 1828–1829, V. 245.

acquire the requisite population; but, before they could become States, they must be first erected into territories. On this point the Government had no discretion; it was bound by contract; and if any one of the Territories was so situated as to require it, such government might be erected a year or two previous to the period when the population would entitle them to demand it. As to the objections of his friend and colleague, (on whom he passed a handsome compliment) he did not consider it of very great force. The extent of the country west of Michigan was so great, and the limits of the Michigan Territory were so obviously defined by nature herself, that its settlement would in no wise be retarded by the measure proposed.

REMARKS, FEBRUARY 6, 1829,

ON A PROPOSED AMENDMENT TO THE CONSTITUTION TO RENDER THE PRESIDENT INELIGIBLE FOR A SECOND TERM.[1]

Mr. Buchanan said he should vote in favor of the postponement of this resolution until the 3d of March. He did not think that the great constitutional question which it presented ought to be decided, without more time and more reflection than it would be possible to bestow upon it at this late period of the session. We had heard the able and ingenious argument of the gentleman from Virginia, [Mr. Smyth] in favor of the proposition, whilst no argument had been urged upon the other side of the question. Mr. B. said that a more important question could not be presented in a republic, than a proposition to change the constitution in regard to the election of the Supreme Executive Magistrate. "It is better to bear the ills we have, than fly to others that we know not of," unless the existing evils are great, and we have a moral certainty that the change will not be productive of still greater evils. The constitution has been once changed since its adoption, and it is now generally admitted, by reflecting men, that the alteration was for the worse, and not for the better. This change grew out of the excitement of the moment. It provided against the existence of an evil which, probably, would not again have occurred for a long period of time; but, in doing so, it has rendered it almost certain that the election of a President shall often devolve upon the House of Representatives. Had the constitution remained in its original form; had each elector continued to vote for two persons, instead of one; it could rarely, if

[1] Register of Debates, 20 Cong. 2 Sess. 1828–1829, V. 320.

ever, have occurred, that some one candidate would not have received a majority of all the electoral votes. By this change, we have thus entailed a great evil upon the country.

The example of Washington, which has been followed by Jefferson, Madison, and Monroe, has forever determined that no President shall be more than once re-elected. This principle is now become as sacred as if it were written in the constitution. I would incline to leave to the people of the United States, without incorporating it in the constitution, to decide whether a President should serve longer than one term. The day may come, when dangers shall lower over us, and when we may have a President at the helm of State who possesses the confidence of the country, and is better able to weather the storm than any other pilot; shall we, then, under such circumstances, deprive the people of the United States of the power of obtaining his services for a second term? Shall we pass a decree, as fixed as fate, to bind the American people, and prevent them from ever re-electing such a man? I am not afraid to trust them with this power.

There is another reason why the House should not be called upon to decide this question hastily. It is a great evil to keep the public mind continually excited, as it would be, by the election of a new President at the end of each term of four years. Under the existing system, it is probable that, as a general rule, a President, elected by the people, will once be re-elected, unless he shall by his conduct have deprived himself of public confidence. This will, in many instances, prevent the recurrence of a political storm more than once in eight years. These are some of the suggestions which induce me to vote for the postponement of this resolution to a day that will render it impossible for us to act upon it during the present session of Congress. We ought to have ample time to consider this subject before we act.

SPEECH, FEBRUARY 12, 1829,

ON THE CUMBERLAND ROAD.[1]

Mr. Buchanan addressed the Chair as follows: I know that the committee are anxious to dispose of the question now under discussion as speedily as possible. It is natural they should feel this desire, because it has already occupied too much of

[1] Register of Debates, 20 Cong. 2 Sess. 1828–1829, V., appended pages (after p. 391), 1–7.

their time. I shall therefore confine myself to as brief a reply as possible. I am anxious that the question should this day be decided in Committee of the Whole. If there be other gentlemen desirous of taking part in the debate, I would suggest to them the propriety of deferring their remarks until the bill shall have come into the House.

The gentleman from Virginia, [Mr. Mercer,] instead of complaining, ought to congratulate himself on the course which this debate has taken. In opening it, I confined myself strictly to the questions of the power and the policy of erecting toll-gates on the Cumberland road, under the authority of this Government. But the subject, against my wishes, has since expanded, and the debate has extended over the whole doctrine of internal improvements. A wide field has thus been opened to the gentleman, from which I should have excluded him; and he has made a brilliant and sometimes an argumentative speech on the general question of our power to construct roads and canals. I shall not follow him in this discursive range, but shall confine myself to the two questions which I raised at the commencement of the debate, and shall reply only to such of his arguments as had a bearing upon these questions. This will be an easy task, as the gentleman gave them but passing notices.

The extension of this debate beyond its due limits has given the gentleman another advantage. It has enabled him to sound the alarm, and to operate upon the fears of the friends of internal improvements. He has called upon them to stand firm and united against the amendment, and has endeavored to create the belief that its adoption would prostrate the whole system. He has denounced my open defection from the cause, and the secret desertion of two other friends, [Mr. Stewart and Mr. Smith,] merely because they declared that they would still vote for the bill, even if the amendment should prevail. Is this fair? Can the gentleman be serious when he declares that upon the vote on this amendment hangs the fate of internal improvements? Will he really vote against this bill, a bill which appropriates $100,000 for the repair of the Cumberland road, should a majority of the committee, upon the whole, think it better that the collection of tolls necessary for its future preservation and repair should be made under State rather than under United States authority? If so, instead of being a great friend to internal improvements, he would become their greatest enemy.

The gentleman seems determined that the whole question

in relation to internal improvements shall depend upon the single point—our right to erect toll-gates. The entire system is to be arrested, so far as his influence may extend, unless my amendment shall be defeated. And why? Can the gentleman point to a single beneficial purpose which will not be equally accomplished without the aid of this power? Can its abandonment interfere with your subscriptions of stock, or your appropriations of money to construct roads and canals? No, sir, so far from it, that I do most solemnly believe the exercise of this dangerous and unconstitutional power would roll back the tide of public opinion which now runs so strongly in favor of internal improvements, and endangers the whole system. I protest against the doctrine of the gentleman. I protest against any idea going abroad, that, because either we cannot or we will not erect toll-gates upon the Cumberland road, therefore we have abandoned all power in relation to internal improvements. This would be placing its existence upon a fearful cast. The principles for which I contend will carry the power of this Government to the point at which exclusive State jurisdiction commences. Beyond that limit it ought never to pass. All the beneficial effects of this power would thus be conferred upon the people, whilst there could be no danger from collision between State and United States authority.

If the power to erect toll-gates were written in sunbeams on the face of the constitution, still true policy would forbid its exercise. If necessary, I should be willing to rest this argument on the ground of policy alone. The gentleman has warned us, that the Committee on Roads and Canals have placed this bill in the front of the battle, so that if it passed it might be a guide to their future conduct. It must, then, be their intention inseparably to connect with the construction of roads and canals the erection of toll-gates by Congress for their preservation and repairs. Permit me, then, to make some remarks on the policy of such a principle, apart from the power.

What is the authority which we must necessarily exercise upon this road, should we assume the jurisdiction over it contemplated by the bill? It is that of exclusive legislation, for the purpose of preserving it from injury, of repairing it, of collecting the necessary tolls upon it, and of punishing all offences committed against the police which we may establish. Considered as a road, or right of way, our jurisdiction necessarily becomes exclusive. This results from the nature of things. As a

road, the States through which it passes must lose all power over it. Distinct sovereignties cannot act, at the same time and in the same manner, upon the same object, more than two solid bodies can, at the same moment, occupy the same space.

I admit the correctness of the doctrine maintained by the gentleman from Virginia, that this exclusive legislation does not necessarily extend to the punishment of crimes committed on the road, which are not connected with the right of way; much less would it embrace the jurisdiction over contracts. But still, although thus limited, there must remain to Congress an exclusive jurisdiction, for the purpose of preserving and repairing it, and collecting the necessary tolls.

The present bill is grossly defective even for these purposes. Whether its defects were the result of mere inadvertence, or whether the committee apprehended danger to the bill from inserting those penalties essentially necessary to the existence and preservation of any turnpike, I shall not pretend to determine. It is possible that it may have been deemed expedient to establish the principle of erecting toll-gates, by one bill; and to reserve the infliction of such penalties as might startle the fears of the timid, for a supplement. This is the usual march of power.

The gentleman has informed us that there are but three penalties in the bill. This is very true: and for any efficient purpose the committee might as well have followed the example of their predecessors, and reported the bill without any penalty. It is a curious fact in the history of this matter, that the first bill reported to erect toll-gates on the Cumberland road provided no remedy, no fine, no penalty, in any case whatever; and even in the present bill no penalty is denounced against the traveller who refuses to pay the toll. This is left entirely within his own discretion.

What are the three penalties contained in this bill? The first is against the omission to set up directors on the road, cautioning drivers of carriages to pass on the left of each other. Against whom is this penalty denounced? Is it against the President of the United States, the superintendent of the road, or the toll-gatherers? On this subject we are left in utter darkness by the bill. So far as any inference can be drawn from its provisions, I am rather inclined to believe the President would be the object of the penalty; and yet I cannot think such was the intention of the committee. A penalty, without designation

of the person on whom it is to be inflicted, is something new in legislation.

The second penalty is against toll-gatherers who may unreasonably delay or hinder the passage of travellers through the gates, or who shall demand or receive more toll than is due; the third, against persons who may wilfully injure the road, or obstruct its passage. These are all.

Present this bill to any man who has ever been a member of the Legislature, either of Pennsylvania or Ohio, where the subject is well understood, and he will inform you that its provisions are wholly inadequate to effect the purposes for which they ought to have been intended. I shall point out a few of its most glaring defects, which, should it become a law, must be immediately remedied by a supplement. My sole purpose in pursuing this course is to enable the committee to appreciate the powers which they are actually granting, and which must follow in the train of this measure.

And first, as I have already stated, this bill inflicts no penalty on any traveller either for attempting to pass or for actually passing the gates, without the payment of the toll: a most wonderful omission.

Again: for the repair of this road, the right of eminent domain must be exercised. It cannot be supposed that all the owners of the soil along its course and all the contractors will be reasonable men; and even if they were, they might honestly differ in their estimate of the value of the materials necessary for its repair. What then is to be done? These materials are of such a ponderous nature, that they cannot, without a ruinous expense, be transported a great distance. You must follow the example of the States, and authorize them to be taken against the consent of the owner. And in order to exercise this power, you must establish a tribunal to assess their value. On this subject the bill is altogether silent; and this very silence would be the greatest encouragement for extortion.

But again: the traveller who pays the toll has his rights as well as the Government which receives it. Suppose the road is suffered to become ruinous, and so much out of repair, that it would be unjust to demand toll upon it. What then? In such a case the States have established tribunals to decide this fact, and then the gates are thrown open. This bill contains no such provision.

Again: suppose any of the citizens along this turnpike

should make a road upon his own land around the turnpike gates, and thus evade the payment of the toll; what is your remedy by this bill? Nothing. You are left completely at the mercy of all the owners of the soil near each gate, throughout the whole extent of the road. This defect must be immediately remedied. Penalties must be inflicted both upon the owner of the soil, and the passenger who shall in this manner avoid the turnpike gates.

But I shall not detain the committee and weary myself by enumerating the other defects of the bill. The truth is, that the code of laws necessary to preserve such a road, and to collect toll upon it, must contain many minute provisions, and many penalties for the commission of trifling offences, which can only, without the greatest inconvenience, be carried into execution by the local jurisdictions of the States. The machinery of the General Government is not calculated to give effect to such provisions. It was never intended for such a purpose. It would be monstrous and intolerable oppression to permit the gate-keepers along the road to take a citizen of the United States to Baltimore, or Pittsburg, or Clarksburg, to be tried before a circuit or district court for such an offence as that of defacing a milestone.

But the gentleman from Virginia has insisted that this necessity does not exist; that State courts and State magistrates ought to take cognizance of such offences; and he has even gone so far as to express his astonishment that State judges have dared to decide that they would not enforce the criminal and penal laws of the United States. On this question, however, we have, in opposition to his opinion, the authority of the gentleman from Kentucky, [Mr. Buckner;] and, without disparagement, I may say he is a higher authority on a point of law than the gentleman from Virginia.

But this question does not now remain open: it has already been decided by the State courts; and it is not probable they will be driven from their course by the denunciations of the gentleman from Virginia. It would be but a poor consolation for a citizen who was dragged from the extreme verge of Alleghany county in Maryland, to be tried for some trifling misdemeanor committed against the police of this road, to be informed that in the opinion of the gentleman it was a daring act in the State tribunals to have refused to take jurisdiction of the offence. On this subject their decisions have been uniform, as may be seen by a reference to Sergeant's Constitutional Law,

pages 271, '2, and '3: and this, notwithstanding the jurisdiction may have been expressly given them by act of Congress. In Ohio, in New York, in Virginia, in Kentucky, and in Maryland, the question is settled; and that upon constitutional principles, which, in my humble judgment, cannot be controverted.

But let me direct the gentleman to an authority for which he will probably entertain a higher respect than for the judgments of State tribunals. I refer to the opinion of Mr. Justice Story—an able and accomplished judge, but one who has certainly never been suspected of a desire to curtail the legitimate authority of the Federal Government. In delivering the opinion of the court in the case of Martin *vs.* Hunter's lessee, he uses the following language: "Congress cannot vest any portion of the judicial power of the United States, except in courts ordained and established by itself." And again: "No part of the criminal jurisdiction of the United States can, consistently with the constitution, be delegated to State tribunals." I refer the gentleman from Virginia to the whole opinion, which he will find reported in 1 Wheaton, 323. Vide, also, Wheaton's Digest, 109, p. 103, '4, '5, '6.

Such would be the inconvenience, and such the oppression, of having this new code of laws executed by the courts of the United States, that I declare most solemnly, I would not, by my vote, accept a road for the people of the district which I have the honor, in part, of representing, if its grant were subjected to such conditions, even if I believed we possessed the constitutional power to pass the bill. The free exercise of this power, which the Committee of Roads and Canals contemplate, would soon render the whole system of internal improvements odious.

What necessity, I ask again, is there for the passage of this bill? Cannot turnpike gates be as well established by the States through which this road passes? May not the provisions of this bill be as well enacted by the Legislatures of Maryland, Pennsylvania, and Virginia, as by the Congress of the United States? Why not ask them to do so? Should they refuse, it will then be time enough for Congress to adopt this doubtful and dangerous measure. "*Nec Deus intersit nisi nodus vindice dignus.*" No one doubts the power of the States: and whether the toll be collected and the road be preserved under State or United States authority, must be a matter of indifference to those interested.

I confess, therefore, I was astonished to hear the gravity and solemnity with which the gentleman from New York [Mr. Storrs] treated this part of the subject. He says this is a most grave question. Ohio has a vested right in the road. We cannot, we dare not, transfer it to the States. He asks, shall we give away this road? I answer, by no means. No person ever thought of such a gift. The road is now going to ruin; and for the benefit of Ohio, we transfer a naked trust to the States through which it passes, on condition that they will keep it in repair. We consign this trust to the only persons who have the power of executing it with advantage for the benefit of Ohio and the other States. No beneficial interest will pass by this transfer. Maryland, Pennsylvania, and Virginia will be trustees; but with full power, according to the admission of all, to erect toll-gates, and keep the road in repair. By the amendment we leave it to be inferred, either that we have not the power ourselves to execute the trust, or that its exercise would be inconvenient; and we commit the road to the State Legislatures, where this power can be exercised in the most efficient and beneficial manner. We have already redeemed our pledge over and over again to Ohio. We have already appropriated to the construction of this road far more than we were bound to do by our contract. But still I do not desire to stop at this point. I am willing to make appropriations to carry the road to the Mississippi, provided the States through which it may pass will agree to accept it when completed, and undertake to keep it in repair. Without this preliminary, for one I shall now stop: and I shall never vote another dollar, if toll-gates are to be erected under the authority of Congress. Here I take my stand on the doctrine of internal improvements. Thus far have I gone. I shall go no further. My last limit is the point where the power of appropriation ends, and jurisdiction commences.

And now, sir, allow me to make a remark, in reply, on the subject of the precedents which have been cited by gentlemen. It might be sufficient for me to say, that no precedent exists to sustain the principle, and the only principle now in contest—the power to erect toll-gates. But I shall not rest satisfied here. The proceedings on the celebrated bill which passed both Houses of Congress in 1817, and which was returned by Mr. Madison with his objections, far from being an authority against the position for which I contend, is one decidedly in my favor. The bonus to be paid by the Bank of the United States for its char-

ter, and the dividends upon our stock, were to be applied by this bill for constructing such roads and canals only, "in each State, as Congress, with the assent of such State, shall by law direct." Here the mere simple power of appropriation, and nothing more, was claimed; and that was to be exercised only with the assent of the States. Yet the bill was rejected by the President. Mr. Monroe having in the meantime become President, recommended, in his message at the commencement of the next session, an amendment to the constitution, granting to Congress the power over internal improvements. The subject was referred to a committee of this House, and upon their report it was solemnly considered and debated.

On the 13th of March, 1818, the three resolutions reported by the Committee of the Whole, affirming the power of Congress to construct roads and canals for military and commercial purposes, and for carrying the mail, were all negatived. And why? The reason must have been that the House did not believe we possessed the power of assuming jurisdiction for these purposes over the territory of the States. This is made manifest by the passage of the resolution, at the same time, which asserted an existing power in Congress to appropriate money for all these purposes. Thus it appears that the very distinction for which I am contending was adopted by this House in 1818. Here, then, is an authority directly in my favor.

Afterwards, in 1822, when the bill passed both Houses for erecting toll-gates upon this road, it was rejected by the President, and his objections were sustained by a majority of the House. It is true that, since that period, a bill similar to the one now before the committee has passed this House, after a resort to the previous question; but it was suffered to sleep in the Senate. Where, then, are the precedents of the gentlemen to sustain this measure? The weight of authority is clearly on the other side.

I come now to notice some of the remarks of my colleague [Mr. Anderson] who first addressed the committee, which indicated a state of feeling towards myself I ought not to have expected. He thought proper to say, (I wish to quote his very words,) "This is the first time I have ever heard that the power to make roads, and the power to keep them in repair by erecting toll-gates, could be distinguished. Such a distinction appears to me to be absurd." The gentleman ought to know that this is not language to be used on this floor. When I was laboring

to establish the distinction, a distinction which he could not doubt I sincerely believed to exist, he might have used a little more courtesy than to have denounced it as absurd.

[Mr. Anderson here explained. He said he had not used the word "absurd." He had said it was the first time he had ever heard such a doctrine.]

Where, then, said Mr. B., has the gentleman resided? In what benighted part of the world has been his abode? I have always understood there was as much intelligence and information in the vicinity of the gentleman, as in any other portion of the Union. Had he never heard that, seven years ago, the President of the United States had taken this very distinction, and maintained it in an argument of sixty pages, and that this House had yielded their assent to the distinction? Had he never heard that, since that period, humble as I am, upon all proper occasions, I have been endeavoring, upon this floor, to sustain and enforce the same distinction? Yet he has informed the House, this is the first time that he ever heard there was a distinction between the simple power of appropriating and advancing money as a mere proprietor to construct or preserve a road, and the assumption of jurisdiction over it as sovereign, within the dominion of the States, for the purpose of collecting tolls and keeping it in repair. No distinction between expending money, and the exercise of sovereign power.

I admit that Congress had the power to apply the money in the public treasury to the construction of this road. What then follows? Merely that Congress possesses the power, if they think proper to exercise it, of applying money from the same source to keep it in repair. I have several times voted for such appropriations. But does it follow that we have the power to raise the tolls necessary for this purpose, by assuming a local jurisdiction over the soil of the States, never contemplated by the constitution?

But the gentleman thinks he has perceived in my amendment the nucleus of a system to distribute the surplus funds of the Union among the several States. I should have supposed that no colleague of mine would have seen a spectre in such a proposition, had it even been directly presented. Yet I can declare most solemnly that such an idea never once occurred to me in proposing the amendment. For this discovery I am indebted entirely to the superior penetration of the gentleman. I must remark, however, that I am beginning to adopt the belief, that

this system, which has been recommended by one branch of the Legislature of Pennsylvania, is the best that can be devised. I am growing tired of the policy of seeing my own State exhausting herself and taxing her citizens for the purpose of making internal improvements within her own limits, whilst the treasury of the United States, to which she contributes the one-seventh, is lavished in making similar improvements for the benefit of other States of the Union. The system prescribed by my colleague is the only one, I fear, under which we can expect justice to Pennsylvania. Besides, there is much cause to apprehend, from our own experience, that this system is the only one which will fix our attention upon the great objects of federal legislation intrusted to us by the constitution; instead of diverting it to the business of a court of quarter sessions and to the innumerable petty and selfish details and understandings which must arise from the laying out and constructing roads and canals in every portion of the Union. I wish, however, to be distinctly understood that I have not finally made up my mind on this subject.

I shall now settle my accounts with another colleague, [Mr. Stewart.] In discharging this duty, I shall have no occasion to notice any arguments he may have advanced bearing upon the question. His unprovoked attempts to be severe, at my expense, are my only reason and my only apology for detaining the committee a few moments in adverting to his remarks. I had not even anticipated his opposition to the amendment.

The gentleman has thought fit to express his regret that "I had recently become a convert to State rights and an enemy to this road, considering that as the democratic course." Now, sir, what ought I to think of any gentleman upon this floor, and especially a colleague, who, with a full knowledge of all the facts, could utter such an expression? He knew perfectly well, that so long ago as February, 1823, I moved an amendment similar to that now before the committee, and have been pursuing it ever since, under every aspect which the political horizon has assumed. My change of opinion on this subject, and the reasons for it, were frankly avowed six years ago upon this floor, long before even suspicion herself could have attributed it to any improper motive. Even the gentleman from Kentucky, [Mr. Buckner,] though occasionally somewhat severe, has congratulated me for having changed my opinion at so early a period, and escaped in good time. Yet the gentleman from Pennsylvania has harped

upon what he calls my recent conversion, and has affected to consider it as strange and unaccountable.

The gentleman commenced his remarks by declaring that he was not in favor of all roads and canals. He said there were township roads, county roads, State roads, and United States roads; that the power of the General Government only extended to the construction of the latter. But how shall we ascertain what are these roads? The gentleman has favored us with a compendious rule. Each member, he says, ought to ask himself, is this road or canal necessary for commerce, for war, or for carrying the mail? If so, Congress have the power to construct it. What, then, is the gentleman's limit? According to his notions, we possess the power of constructing all roads on which the mail must be carried, all roads and canals over which troops or military stores must pass, and all roads and canals necessary for conducting the commerce between the several States. And over all these we may extend our jurisdiction and collect tolls, according to the constitutional creed of the gentleman. And yet he talks about limitations to federal power! The gentleman's constitutional notions are truly a strange medley. He will never be accused, as my friends from Virginia have been, of drawing nice distinctions and refining too much on abstract questions. I will warrant him against this danger. It will never be his fate, as it was that of Burke, " to cut blocks with a razor." I recollect a constitutional scruple of the gentleman's, some years ago, which astonished the House. It would have been highly amusing, had it not been made at the expense of humanity. We had, by treaty, deprived the Florida Indians of their best lands. They were starving in the swamps we had left them. They came here, not asking their lands to be restored, but begging for bread to preserve their lives. The strong case which they presented, and their extreme misery, excited sympathy in every heart. In the midst of this feeling, the gentleman from Pennsylvania rose, and made a constitutional argument to prove that Congress had no power to give bread to these starving Indians. The gentleman, truly, on constitutional questions, strains at a gnat and swallows a camel.

The gentleman's guards against infractions of the constitution are the Supreme Court and the ballot box. These are both excellent in their kind, though different in their mode of operation. The one destroys the law, the other the law-maker. It is often difficult, however, to know the precise point decided by the

ballot boxes. Whether the gentleman's constituents have decided against him, because he thought it unconstitutional to save the Florida Indians from starvation, or because he thought it constitutional to erect toll-gates upon the Cumberland road, I shall not pretend to determine. It is very certain the "great republican party," about whom we have heard so much in this debate, could have no agency in his defeat. In the canvass, he pledged himself that if elected he would attribute the glory of his success to the Jackson men. I can never believe they possessed so little magnanimity as to resist such a feeling appeal.

But, after all, how was I astonished to hear the gentleman conclude his remarks with the following sentences: "I am bound in candor to admit, that the power to erect toll-gates is not so clear as the power to construct this road. I am not very solicitous whether the road is preserved by the United States or the States. I hope the bill will pass either in the one shape or the other; and whichever shape it may be put I will give it my vote." I quote his very words, because they were so remarkable that I took them down at the moment, and I find the National Journal has reported them nearly in the same language. To what a lame and impotent conclusion does the gentleman arrive after all his premises? Who could ever have supposed, until he announced it himself, that it was a matter of indifference to him whether this road should be ceded to the States or not? After such a conclusion, well might the chairman of the Committee of Roads and Canals [Mr. Mercer] accuse him of defection. Yet I have been denounced as a most pestiferous democrat, as possessing the zeal of a recent convert, for proposing an amendment in favor of which the gentleman himself will vote, should it be engrafted on the bill by the committee. The course of the gentleman towards me has been very unkind, and nothing but the justice which I owed to myself could have compelled me to make these remarks.

I now approach the gentleman from Kentucky, [Mr. Buckner.] His arrows, although they were sharp, were not malignant; whilst his argument was ingenious. In the course of my remarks I shall take care to speak of him with nothing more than retributive justice.

The gentleman commenced his observation by quoting a saying of some celebrated, though to me unknown member of the British Parliament, who had declared that whenever "he heard the mention made of the people's rights, he was prepared for

the desolating doctrines of anarchy and confusion, and he all at once became alarmed for the safety of the throne and the constitution." And has it come to this? Are the representatives of the American people to be denounced for asserting their rights and those of the States upon this floor? If these rights are not to be asserted here, before what other earthly tribunal shall they be proclaimed and enforced? I am sorry that the gentleman took this text from a British statesman whose name he has not thought proper to mention; and I am still more sorry that the greater part of his argument seemed to proceed upon the principle that this text might be true.

The gentleman then proceeded to attack the position which I had maintained, that incidental power must, from its nature, be subordinate; that it could not transcend the power which called it into existence. The present President of the United States, [Mr. Adams,] an authority which the gentleman will respect, has laid it down, that the means must be subordinate to the end. This principle is at the very root of any just construction of the constitution. And yet the gentleman though he would not say this was "unintelligible jargon," left it to be inferred. Now I shall assert that no greater political absurdity can exist, than a Government confined to enumerated objects of power by a written constitution, and yet at liberty to assume other distinct and independent powers of a character more formidable than those delegated, for the pretended purpose of carrying them into effect. A Government restricted as to its ends, but wholly unlimited in regard to its means! Imagination cannot present a stronger case to illustrate my position than the one now before the committee. This Government is expressly restricted from acquiring any jurisdiction within the States, except over small portions of territory absolutely necessary for the defence of the country; and even this cannot be acquired without the consent of the States; and yet gentlemen now claim, as a mere incident to the power of appropriation for internal improvements, jurisdiction over a road which will extend from Cumberland to the Mississippi. Although you cannot directly acquire jurisdiction over any portion of the territory of the States, except for the purposes of war, you may indirectly assume jurisdiction over all the post-roads and canals in the country. Such a principle would be subversive of all limitations to federal power. It would render all the wholesome restraints of the system nugatory.

The true principle is, that although the means may be varied, with the ever-varying changes of society, they must still be subordinate to the end. But I shall not say that the gentleman's argument in favor of a contrary position was "unintelligible jargon."

In passing, I would just observe, that the doctrine on the subject of internal improvements, seems to have undergone a great change in Maryland within the last thirty years. In 1802, the Legislature of that State thought it necessary to pass an act, authorizing the General Government to repair the post-roads within its territory. Now the same State voluntarily yields to Congress jurisdiction over all that portion of the Cumberland road within its limits. It is thus we are departing from original principles and a strict construction of federal power.

The gentleman believes there will be no danger of any collision between the Federal and State authorities, should they both exercise the sovereign power of constructing roads and canals. But what has the history of the last year taught us upon this subject? If we had undertaken to construct the Chesapeake and Ohio canal by our own authority, the United States would, at this very moment, have been in collision with the State of Maryland. This canal and the Baltimore railroad are now contesting which of them is entitled to the choice of locution [1] along the Potomac. And here permit me to observe, that the railroad, which we have not patronized, is, in my opinion, a much more national and a much more practicable undertaking than the canal, which we have taken under our fostering care. The railroad may extend to the Ohio; but the canal can never proceed beyond the coal mines near Cumberland. Gentlemen cannot, I think, seriously suppose that the Allegheny mountain is ever to be passed over by locks, or passed through by tunnels.

I might mention another case in illustration. The Legislature of Pennsylvania have refused to permit a railroad to be made from Baltimore to the Susquehannah. It would have required powerful reasons to have induced me to vote in this manner; but still the Legislature have thus determined. Now, suppose the power of this Government unquestionable to enter the territory of the States and to construct roads; ought it

[1] So in the original print, but evidently a mistake for "location."

ever to be exercised without their consent? Would it not necessarily produce collisions? Compared with many of the projects which have been submitted to us by the Committee of Roads and Canals, this railroad is eminently national. It has become the fashion upon this floor to call the State of Pennsylvania unostentatious; but yet she will always be found sternly maintaining her rights. Let the gentleman from Virginia, [Mr. Mercer,] with all the powers of the Federal Government, attempt to construct this railroad through her territory, in opposition to her real or supposed interest, and the consequences, if nothing more, might at least be fatal to his whole system. Adopt the policy of the amendment, and you then have no collisions to fear.

But the gentleman has given still stronger evidence of his devotion to federal power than any which I have yet cited. He declared that he did not know what I meant by a wholesome jealousy of this power, and disapproved even of the use of such terms. And is this a doctrine proper to be advanced in the American Congress? Are we to disregard the history of all the free Governments which have ever existed? Are we to set at naught the political maxim of the friends of civil liberty in every age, that jealousy on the part of the people has ever been the condition on which liberty can be enjoyed? It is the nature of man to grasp at power, and this principle is not changed in a republic. A wholesome jealousy of our rulers is the very palladium of our safety. Remove this, and all is gone. In this republic, founded, administered, and defended by popular jealousy, I never expected to hear a gentleman so respectable avow that the very phrase was grating to his ears.

The gentleman has been pleased to compare my conversion to that of the Apostle Paul. I can assure him it was neither sudden nor miraculous. It took place in 1822, before the age of political miracles had commenced, and was the result of Mr. Monroe's long and able message on the subject, and the reflections to which that document gave birth. The gentleman from Kentucky is so much devoted to his high-toned notions of federal power, that I fear a miracle would scarce save him. Like the companions of the Apostle, he might be confounded by the light which shone around him, but not converted to the truth. The gentleman has been quite scriptural in his allusions. He has congratulated me on my escape in good time

from the wrath to come, and that I am now a member of the great republican party. In return for his congratulation, I must express my regret that he is yet in the gall of bitterness, and in the bond of iniquity. I should help him if I could, but I fear his case is hopeless. He has recently almost escaped to a judicial station; and as this would have been a great temporal deliverance, I should have rejoiced had he been more successful.

The gentleman has said that he understood I had at one time belonged to the federal party, which he complimented by calling it an independent class of men. His information has been correct. I trust I shall never blush to have been attached to that party, of which the father of his country was the head. I take pride, however, in declaring that I was a Washington federalist, and, when my country was in danger, I had no constitutional or other scruples about the propriety of defending it against a foreign foe. The gentleman says I have hitherto always acted with independence; if he means to insinuate that this will not be my course hereafter, he is greatly mistaken. Thank God, I am as independent as I ever was. I hope nothing and fear nothing from any administration. I am neither a petitioner nor an expectant. I shall continue to support the great republican family, as the gentleman calls it, so long as it shall continue true to its principles; and I have no objection to be called a democrat. But if the gentleman supposes that for any office, of which, humble as I am, I might be thought worthy, I would decline to serve out the term for which I have been recently elected, and abandon constituents who have sustained me amidst difficulties and dangers of no ordinary character, I can assure him that he does me great injustice.

I have always heard that the gentleman himself was formerly a federalist. It is true that he and I have taken very different roads since the dissolution of the old parties; but yet, on account of the memory of the olden time, if for nothing else, I think he might have spared some of his personal remarks. But let us part in peace. I desire nothing else.

I shall neither undertake to defend the editor of the Telegraph, nor the Committee on Retrenchment, against the attack of the gentleman. If there be any man alive who is capable of defending himself, it is that editor. I am neither his advocate nor defender. As to the Committee on Retrenchment,

I shall exercise the same forbearance. They have, I fear, introduced many bills which will never pass. To some of their measures I am decidedly opposed, but still they deserve the thanks of the House and of the country. If they have gone too far in the cause of reform, it is a rare error in these days.

I was not a little astonished that the gentleman should have found fault with me for paying a passing tribute of respect to the State of Virginia. As a citizen of the United States, have I not a right to feel proud of that State? Has she not produced men who had a distinguished agency both in forming the federal constitution, and maintaining its principles in peace and in war? Notwithstanding my feelings of respect, I am no indiscriminate eulogist of Virginian policy. I believe, if a portion of the ability and eloquence which her distinguished sons have displayed in constitutional disquisitions had been employed in sustaining the wise measures, and in combating the false policy, which have been proposed in Congress, their labors would have been more useful to the country. Still, I am surprised that an obscure individual, like myself, should have been so severely criticised for expressing a favorable opinion of that ancient and distinguished commonwealth. If I were to remove to-morrow from my native State, it is probable, from the similarity of our institutions, our policy, and our laws, I should select the State of Ohio for my residence—that very State whose compact with the United States I have been attempting, in the opinion of gentlemen, to violate.

It has been strongly insinuated, that to deliver this road to Pennsylvania would be to commit the lamb to the wolf. I shall not condescend to answer such insinuations. The road passes ninety miles through our territory. It accommodates three populous and wealthy counties; and yet it is supposed we might abandon it to ruin. When was Pennsylvania ever known to neglect the interest of her own citizens, or the obligations of her own honor?

The gentleman himself, after admitting that the tribunals of the States could not be used by this Government for the purpose of enforcing its system of policy along the road, declares that the argument against the bill of the most weight is, the difficulty of establishing tribunals for this purpose. He suggests the appointment of twenty-five justices of the peace, which he thinks would be sufficient between Cumberland and Wheeling. But superior judicial officers would become necessary;

for the gentleman surely does not intend that the summary convictions and other proceedings of the justices of the peace, without the aid of a jury, should, in all cases, be final. It is thus that power goes stealing on from one encroachment to another. I have not the time, nor would the committee have the patience, to enable me to pursue this branch of the subject. I will merely ask any gentleman acquainted with the principles upon which the constitution was founded, if he can believe its framers ever intended to introduce United States' justices of the peace, throughout the different States, for the purpose of exercising jurisdiction over the canals and highways of the country? Would not such an exercise of power be equally at war with all its general provisions, and with all sound policy?

Before I conclude I wish again to direct the particular attention of the chairman of the Committee on Roads and Canals to an argument of mine, which has not been answered, which there has not even been an attempt to answer, throughout the whole course of the debate. There has been much ingenious play around it, but it has not once been fairly met. Let it be granted, for the sake of the argument, that under the power to establish post offices and post roads, you can exercise the sovereign power of constructing such roads throughout the States. What would then be the sole purpose of this power? To enable you to transport the mail over these roads, once a day, or once a week. It would be a right of passage, for the single object. The power that you have is spent, when the mail is safely carried. But can this authority, to be exercised simply for the transportation of the mail, transfer to you, by implication, the sovereign power of closing up these roads by the erection of toll-gates, and taking them under your own exclusive jurisdiction? Can a power granted for a single purpose give you an unlimited control? Can it authorize you to regulate the use of these roads, by the citizens of the States, for all other purposes? This is the question to which I demand an answer. The principle is still worse as applied to military roads. Are you, because it may be necessary that troops or munitions of war may pass over a road once a year, or once in seven years, to take exclusive possession of this road? A similar question might be asked, in regard to roads or canals used for the purpose of conducting the commerce between different States. The gentleman from Kentucky has made the most argumentative speech upon this subject, and has cited several

cases in illustration of his argument. I shall allude merely to the strongest. He says that Congress have passed a law imposing a penalty on any ferryman who neglects or refuses to carry the mail over a river. Granted. It is right. It is proper. The Federal Government alone possess the sovereign power of carrying the mail, and, as a necessary consequence, of removing all obstructions to its passage. But does it follow, because they have exercised the power of punishing a ferryman for violating his duty in this single case, that therefore they may take the ferry itself under their exclusive jurisdiction, prescribe the tolls for its passage, and punish, in the courts of the United States, all the citizens of the country who may violate the regulations imposed by their laws? All the other examples of the gentleman are of a similar character, and require no particular answer. They are cases of the exercise of power absolutely necessary to carry the enumerated powers of the constitution into effect, and do not, in a single instance, transcend the specific purpose for which they were intended.

Some objections have been made to the form of the amendment which I have presented. They will be best answered by asking it simply to be read. It was prepared with great care, and after much consultation. So far from purporting to affirm the power of this Government to erect toll-gates and to transfer our authority to the States, as has been alleged by one gentleman, it even avoids an allegation that we have any right of property in the road. This caution was used to keep clear of the scruples of those gentlemen who deny to Congress the right of appropriation. It merely transfers to the States "any right of property or claim" which the United States may have, provided they will accept it, whatever it may be, and keep the road in repair by the collection of tolls.

I am anxious the question should now be taken. I have been urging it ever since 1823. Let it now be decided. I shall submit with deference to the decision of the committee, whatever it may be. At the same time I must express my conviction, that should Congress adopt the policy of this bill, it will alarm the people of the States, and, in the end, destroy that system of internal improvements which the Committee on Roads and Canals are so anxious to cherish. It will be the best argument that has ever been used in favor of the distribution of the surplus funds of this Government among the States.

REMARKS, MARCH 2, 1829,

ON THE CUMBERLAND ROAD.[1]

Mr. Buchanan having offered an amendment proposing to invest the President of the United States with power to make an arrangement with the States of Pennsylvania, Maryland, and Virginia, for the erection of gates and collection of toll,

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Mr. Washington now demanded the previous question.

A conversation now ensued, as to the effect of the previous question under these circumstances, between Messrs. P. P. Barbour, Buchanan, Mercer, and Gorham; when

Mr. Buchanan claimed the floor, as having been improperly deprived of it when the previous question was demanded.

The Speaker apprehending that an error had inadvertently happened, decided that the gentleman from Pennsylvania should proceed.

Mr. Buchanan then said, he felt as friendly as any gentleman in the House to the appropriation of money for the extension of the Cumberland road to the Mississippi. He would state the single reason why he felt himself compelled—he would say reluctantly compelled—to vote against this bill. The House had recently determined that they would keep the Cumberland road in repair by erecting toll-gates upon it, under the authority of the Federal Government. As long as the pretension continued to be set up, which he believed to be both dangerous and unconstitutional, he could not, nor would not, vote for the construction of any road intended, after its completion, to be thus placed under the jurisdiction of the United States.

REMARKS, DECEMBER 7, 1829,

ON THE ELECTION OF A CLERK OF THE HOUSE.[2]

Mr. Buchanan, of Pennsylvania, said he trusted that such a course would be pursued as that the House should at once go into an election by ballot. And perhaps his colleague was wrong in now proposing a different course. It had been the practice, Mr. B. knew, where no opposition to the old clerk was intended, to re-appoint him by resolution. The gentleman from

[1] Register of Debates, 20 Cong. 2 Sess. 1828–1829, V. 385, 386.

[2] Register of Debates, 21 Cong. 1 Sess. 1829–1830, VI., part 1, p. 471.

Kentucky, however, had stated that he believed that there were other candidates for the office. Mr. B. said he did not know the fact: but, if there were, the proper course was, as usual in such case, to proceed to ballot for a clerk. He should, himself, vote to lay the resolution on the table, and then to proceed to an election by ballot.

REMARKS, DECEMBER 9, 1829,

ON THE APPOINTMENT OF STANDING COMMITTEES.[1]

Mr. Buchanan said that there was, he believed, an unusual number of new members in the present House of Representatives; and it was desirable, certainly, that the Speaker, who was to appoint these committees, should have time and opportunity for inquiry before he appointed them. It was not probable, he said, that any legislative business would be done in the course of the present week, and for that reason he moved that the motion lie upon the table, to give the Speaker a better opportunity of becoming acquainted with the new members, &c.

Mr. Cambreleng suggested to Mr. Condict the expediency of withdrawing his motion for the present, and renewing it to-morrow or another day.

Mr. Condict said, the practice heretofore had been to adopt a similar order before the message was considered; and, as the committees were not announced until the reading of the Journal on the day following the adoption of the order, a whole day was thus given to the Speaker for the selection of the committees.

The Speaker said, that it had been the practice, at the opening of a new Congress, to allow the Speaker three or four days for the selection of the committees.

Mr. Buchanan said, he should not have moved to postpone the motion for now appointing them, if he had not known that to be the fact.

Mr. Mallary said, that, should the order be now made, it would, he presumed, not necessarily follow that the committees should be announced to-morrow.

The Speaker said, that, if the order was now made, the committees must be announced to-morrow.

Mr. Buchanan said, if the pending motion was laid upon the table until to-morrow, and should then be adopted, the House

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[1] Register of Debates, 21 Cong. 1 Sess. 1829–1830, VI., part 1, p. 472.

might then, following precedent, adjourn over to Monday, and thus afford the Speaker the requisite time of three or four days for a selection of the committees.

REMARKS, DECEMBER 15, 1829,

ON THE PRINTING OF THE ANNUAL REPORT OF THE SECRETARY OF THE TREASURY.[1]

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting his annual report upon the state of the finances.

The report having been announced from the Chair,

Mr. Buchanan moved that ten thousand copies of the report, and the documents accompanying it, be printed.

Mr. Whittlesey proposed six thousand copies, being the largest number ever printed of a public document before this session.

Mr. Buchanan said that the Annual Report from the Treasury Department was always looked to with great interest by the people; that it was too voluminous to find admission at large into the newspapers; that its general circulation was very desirable, &c. Ten thousand copies had been ordered to be printed of the documents accompanying the message of the President; and this document, he presumed, would be considered of at least equal importance.

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Mr. Buchanan said, he was happy to find that the gentleman from Ohio was now so decided an advocate for retrenchment; not knowing, however, that he had ever found him otherwise. He did not know but, in pursuit of this object, he and the gentleman from Ohio would be found going hand in hand. But this [Mr. B. said] was not the point at which they ought to begin to retrench. Retrenchment ought not to begin with communication of information of this sort to the people, who are more interested in knowing exactly what has been the management of their financial concerns, than, perhaps, in any other subject. If we are to begin the work, [said Mr. B.] let it be with something else, more in accordance with the proper principles of retrenchment than this.

The question was then taken on printing the largest number proposed, ten thousand copies, and decided in the affirmative.

[1] Register of Debates, 21 Cong. 1 Sess. 1829–1830, VI., part 1, p. 475.

REMARKS, DECEMBER 30, 1829,

ON THE DISTRIBUTION OF THE PROCEEDS OF THE SALE OF PUBLIC LANDS.[1]

Mr. Buchanan, of Pennsylvania, asked the gentleman from Tennessee to withdraw this motion, (which by rule admits of no debate,) to allow him to make a few observations.

Mr. Polk said he would accommodate the gentleman with a great deal of pleasure, but the very object of his motion was to stop the debate.

The question on the motion of Mr. Polk to lay the resolution on the table, was then taken by yeas and nays, and was decided as follows—yeas 72, nays 95.

So the House refused to lay the resolution on the table.

Mr. Buchanan then rose, and said, he felt himself indebted to the vote of the House, and not to the courtesy of the gentleman from Tennessee, [Mr. Polk] for the privilege of making a few observations on this subject. He ought not perhaps to complain of that gentleman's course, because it was sanctioned by the rules of the House; yet he would say, it was not very liberal, after a member had himself addressed the House upon a question, to conclude his remarks by making a motion, which, if successful, would prevent all others from making any reply to his argument.

The House [said Mr. B.] is placed in a singular position in regard to this resolution. The course pursued by its friends has been unfortunate. Upon this resolution, which merely proposes to institute an inquiry before a committee of the House, the skilful tactics of the gentleman from South Carolina [Mr. Martin] have involved us in such a debate, as can only become proper in case the committee should report a bill for the division of the nett proceeds of the public lands among the States in proportion to their population, and that bill should be before the House for discussion. Yet, in this preliminary stage of the business, we have been drawn off from the main subject of inquiry, and have been seriously engaged in discussing the ques-

[1] Register of Debates, 21 Cong. 1 Sess. 1829–1830, VI., part 1, pp. 489–490. The debate was on a resolution to direct the Committee on the Public Lands to inquire into the expediency of distributing the net proceeds of the sales of public lands among the several States for the purposes of education and internal improvement. Mr. Polk, after some remarks, moved to lay the resolution on the table.

tion, whether the new States, who have hitherto received donations of public land from this Government, shall account for them in the general distribution. The gentleman from South Carolina, who proposed this amendment, has frankly avowed, that, whether it prevailed or not, he would vote against the resolution. Such is my regard for that gentleman, and of such value do I estimate his support, that I might be willing to sacrifice something of my own opinion to secure it; but when he proposes to amend our resolution, and informs us, at the same time, he will oppose it in every shape, we ought to view his amendment with jealousy and distrust.

"Timeo Danaos, et dona ferentes."

Without being drawn into an argument upon the subject, it is my decided opinion that it would be both unjust and ungenerous to charge the new States with donations of land which they have already received, and that an inquiry into the expediency of such a measure could only tend to distract and divide the friends of the resolution.

What [said Mr. B.] is the true and the only proper question for discussion at this time? It is, whether the subject of the resolution is of sufficient importance to demand inquiry. Upon this question can a doubt be entertained? The vast importance of the measure proposed must be impressed upon every mind, whether we regard its consequences to the people of the old or of the new States of this Union. The public feeling of the country is alive to the subject. And shall such of us as are friendly to its thorough investigation suffer inquiry to be stifled? I trust not.

The report of the select committee of the House, at the last session of Congress, has furnished us all the statistical information upon the subject which can be desired. There are two important questions which that report does not embrace, and which ought to be carefully investigated by a committee of this House. I desire to have a report from such a committee, upon the question whether the proceeds of the public lands are pledged in such a manner to the public creditors, that, without violating our faith, we cannot distribute them among the States until after the total extinguishment of the national debt. In the course of the debate, the affirmative of this proposition has been stated with a degree of confidence which would almost seem to preclude doubt; and yet there are probably strong reasons to sustain a contrary opinion.

It is very true, that, when the funding system was first established in 1790, the proceeds of the sales of the public lands were directed to be applied solely to the extinguishment of the debt of the Revolution; but it is equally certain that this pledge was often disregarded. In the year 1817, when the present sinking fund was established, all previous laws which had made appropriations for the purchase or payment of the funded debt were repealed. That fund of ten millions of dollars annually, for the discharge of the public debt, was to be raised from the import and tonnage duties, from the internal duties, and from the sales of Western lands. It may be [said Mr. B.] that the obligation imposed by this act will be equally satisfied, whether the annual sinking fund shall be provided from one or from all these sources. Such was probably the opinion of Congress, when, in less than one year after they had created this fund, they abolished all the internal duties, and thus cut off one of the sources from which it was to be supplied. I wish to express no decided opinion upon this question; but it is certainly well worthy of investigation by a committee. Its proper understanding and correct decision may aid us much in arriving at a just conclusion in regard to the main question.

Mr. B. wished to be distinctly understood, that even if we could, consistently with the public faith, at once distribute the annual proceeds of the public lands among the States, he had not for himself determined whether it would be expedient to do so until after the national debt should be discharged.

There is [said Mr. B.] another important question involved in this inquiry, on which I desire to have the report of a committee; and that is in regard to the constitutional power of Congress to make the proposed distribution among the States. The power to distribute the proceeds of the public lands among the States to which they now belong, is, in my opinion, very different from that of distributing among them the surplus revenue arising from taxation. I purposely refrain from entering upon the discussion of this question at present; but I think I might appeal with confidence to the gentleman from South Carolina, [Mr. Martin] whether there is not an obvious distinction between the two cases. A gentleman might, with perfect consistency, admit the power of Congress in the one case, and deny it in the other.

Mr. B. said he thought this resolution ought not to be referred to the Committee on the Public Lands, as the mover

of it [Mr. Hunt] had proposed. Highly as he respected that committee, it was well known they were chiefly selected from the members representing that portion of the Union within which the public lands were situated, and who were therefore best acquainted with the laws which related to them. The subject proposed to be referred was one of deep and general interest to every State. In his opinion, a select committee, composed of members from different portions of the Union, should be raised for the purpose of investigating it. The subject involved important questions in regard to the construction of the constitution and of the laws of the country, which did not appropriately refer themselves to the Committee on the Public Lands; and the information peculiarly within the province of that committee, we have already received from the report of the select committee raised at the last session.

Mr. B. said he thought the present the peculiar and the appropriate time for inquiry. The country were expecting, nay, they were demanding it. Are we prepared to stifle this inquiry? Are we prepared to declare that we do not think this important subject even worthy of a reference? Such, he trusted, would never be the determination of the House; and he was convinced the friends of inquiry would never be diverted from their purpose, until they had obtained all the information necessary to enable them to act with wisdom.

Mr. B. said he would read a substitute for the resolution proposed by the gentleman from Vermont, [Mr. Hunt] which was in accordance with the remarks he had just made. He trusted it would be acceptable to that gentleman. He knew that, under the rules of the House, he could not at present offer it as an amendment; and if he could, he would not, because his time was already too much occupied on the committee of which he was already a member, to make him desire to be placed on the select committee to which this subject ought in his opinion to be referred.

Here Mr. B. concluded by reading the following:

Resolved, That a select committee be appointed, to which shall be referred the report of a select committee made to the House of Representatives the 25th February last, relating to the distribution of the nett proceeds of the sale of public lands among the several States, in proportion to the population of each; and that the said committee be instructed to inquire, and report to this House, whether there be any provision of the constitution, or of any act or acts of Congress, in relation to the discharge of the public debt, which ought to prevent Congress from making such distribution, and that the said committee have leave to report by bill or otherwise.

1830.

REPORT, JANUARY 4, 1830,

ON THE CASE OF JAMES LINSEY.[1]

January 4, 1830, Mr. Buchanan, from the Committee on the Judiciary, made to the House the following report:

The Committee on the Judiciary, to which was referred the petition of James Linsey, report:

That at the last session of Congress, the Committee on the Judiciary made a report against the claim of the petitioner. His petition and documents have been again presented, and the Committee have again examined them, and, without entering into particulars, they are of opinion that the claim is wholly without foundation: if allowed, it could only be upon the monstrous principle, that the United States, by selling the lands of an individual, for the payment of his direct tax, became a warrantor to the purchaser, and his heirs and assigns, for the validity of the title. The committee, therefore, offer the following Resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

REPORT, JANUARY 4, 1830,

ON ALLOWANCES TO JURORS.[2]

January 4, 1830, Mr. Buchanan, from the Committee on the Judiciary, submitted to the House the following report:

The Committee on the Judiciary, to which was referred a resolution of the House, instructing them to inquire into the expediency of increasing the allowance for travel and attendance of the jurors of the Circuit and District Courts of the United States, report the following

RESOLUTION:

Resolved, That it is not expedient to make the provision proposed in the foregoing resolution.

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[1] House Reports, No. 48, 21 Cong. 1 Sess.

[2] House Reports, No. 49, 21 Cong. 1 Sess.

REPORT, JANUARY 4, 1830,

ON APPEALS AND WRITS OF ERROR.[1]

January 4, 1830, Mr. Buchanan presented to the House the following report:

The Committee on the Judiciary, to which was referred a resolution of the House, instructing them to inquire into the expediency of providing by law, that all Appeals, and Writs of Error, from the Southern Judicial District, in Florida, in Admiralty and Maritime cases, shall be taken and prosecuted from said Court, directly to the Supreme Court of the United States, report:

That the Appellate Court, for the Southern Judicial District of Florida, is composed of the Judges of the three Judicial Districts, into which that Territory was divided, by the act of the 26th May, 1824. From the decisions of this Appellate Court, writs of error and appeals may be taken to the Supreme Court of the United States, if the amount in controversy exceed one thousand dollars. The committee cannot perceive any adequate reason for changing this provision, and allowing a direct appeal in Admiralty and Maritime cases, from the Court for the Southern Judicial District of Florida, to the Supreme Court of the United States.

It is true, that many causes of admiralty and maritime jurisdiction, and some of these of large amount, are decided by the Courts of the Southern District of Florida; but if this were a sufficient reason for allowing an immediate appeal from that Court, to the Supreme Court, it would apply with equal force to cases of a similar nature, decided by the District Courts of the United States; from whose decrees, in such causes, an appeal is now allowed, in the first instance, to the Circuit Courts. If the law were thus changed, the consequence would be a great increase of the business of the Supreme Court, which is already so onerous that it can scarcely be transacted, without interfering with the terms of the Circuit Courts. Your committee therefore recommend the following resolution:

Resolved, That it is inexpedient to provide by law that all Appeals and Writs of Error from the Southern Judicial District, in Florida, in Admiralty and Maritime cases, shall be taken and prosecuted from said Court, directly to the Supreme Court of the United States.

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[1] House Reports, No. 50, 21 Cong. 1 Sess.

REPORT, JANUARY 4, 1830,

ON THE CASE OF MANUEL DEL BARCO.[1]

January 4, 1830, Mr. Buchanan presented to the House the following report:

The Committee on the Judiciary, to which was referred the memorial of Manuel del Barco, report:

That the memorialist represents himself to be a resident of Pensacola, and to have become a citizen of the United States, by the cession of Florida. That, on the invasion or occupation of Pensacola by the British forces, in the year 1814, a negro man slave, named Henry, then about fourteen years of age, was carried off to the Appalachicola, thence went among the Creek Indians, and from Tampa bay was carried by a fishing vessel to Havana, where he was recovered by the memorialist, and has been ever since in his possession. The memorialist further represents, that he is unwilling to sell the said negro, who is desirous to return to this country, where his relations still live, and, therefore, prays that a law may be passed allowing him to bring home his said negro.

A general affidavit of two witnesses to the truth of these facts, is annexed to the memorial; and, also, that the said negro Henry is the slave of the memorialist, and is at present in the city of Havana.

Your committee, without waiting to inquire whether this affidavit be sufficient to establish the facts stated in the memorial, are of opinion, that, admitting them to be true, such a case is not presented as would justify Congress in relaxing the laws prohibiting the slave trade. Such a measure, if justifiable in any case, ought never to be adopted, unless upon weighty and urgent reasons. In this case, the slave had been carried away from his master, whilst Florida was a Spanish province, and seven years before its cession to the United States. At any time, during this period, the memorialist might have brought his slave from Havana to Pensacola, if he had thought proper. But now, for the first time, eight years after Florida has become a territory of the United States, and fifteen years after his slave was carried away, the petitioner applies for permission to import him from Havana to Pensacola. If this were allowed, it would establish a precedent, under the authority of which

[1] House Reports, No. 51, 21 Cong. 1 Sess.

many frauds might be committed, and the laws prohibiting the importation of slaves might be evaded. Your committee therefore offer the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

REPORT, JANUARY 13, 1830,

ON THE LOBSTER FISHERY.[1]

January 13, 1830, Mr. Buchanan submitted to the House the following report:

The Committee on the Judiciary, to which was referred the memorial of sundry citizens of the United States, engaged in the lobster fishery on the coast of Massachusetts, complaining that certain Acts of the Legislature of that State infringed their rights, under the Constitution and Laws of the United States, report:

That, from the view which your Committee have taken of the subject, it is unnecessary they should make a particular statement of the case. The question presented by the memorial is one of great importance, involving the power of a sovereign State of this Union to regulate the fisheries along its own coasts, to the extent of one mile into the ocean; but it is clearly a question for judicial decision, not for Legislative enactment. If any citizen of the United States has been deprived of any right which belongs to him under the Constitution and Laws of the United States, the courts of justice are open to him, and have ample power to afford him redress. Your Committee, therefore, believe, that, upon such a subject, it would be an improper interference with the Judicial department of the Government, for this House even to express an opinion; much less to enact a law such as the memorialists request, in effect declaring that the Acts of the Legislature of Massachusetts are in violation of the Constitution and Laws of the United States, and are therefore void. Your Committee, therefore, report the following resolution:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

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[1] House Reports, No. 79, 21 Cong. 1 Sess.

SPEECH, JANUARY 14, 1830,

ON THE JUDICIARY.[1]

The bill establishing Circuit Courts and abridging the jurisdiction of the District Courts in the districts of Indiana, Illinois, Missouri, Mississippi, the eastern district of Louisiana, and the southern district of Alabama, being under consideration,

Mr. Buchanan rose, and said:

Mr. Chairman: It becomes my duty to present to this committee the reasons which induced the Committee on the Judiciary to report the bill to the House which has just been read. In rising to discharge this duty, I feel conscious that the subject is in its nature dry and uninteresting; but its importance demands the attention of every member of this committee. In vain may we pass the most wise and salutary laws, unless we provide an efficient judiciary to carry their blessings and their benefits home to the people. Without such a judiciary, they remain a dead letter upon our statute book.

This bill proposes no new theory—no untried experiment. It pursues the course which has been sanctioned by long experience. The Committee on the Judiciary did not seek to be wiser than those who have gone before us. This bill, therefore, provides nothing new for the old States of the Union. It merely extends to the new Western States that judicial system which has been found to be fully adequate to administer justice to all the States east of the Alleghany.

Before I proceed to illustrate the necessity of this measure, it is perhaps proper that I should briefly present to the committee some of the prominent points of the judicial history of the United States. Our present system was called into existence by the judicial act of September, 1789; and it demonstrates the wisdom and sagacity of the Congress of that day, that they should, at the very first attempt, have adopted a system, which, with but few alterations, has stood the test of an experience of forty years. Under that act, the United States was divided into thirteen districts, for each of which a district judge was appointed, who was required to reside therein, and to hold a court to be called a district court. These district courts were entirely independent of each other. Eleven of these thirteen

[1] Register of Debates, 21 Cong. 1 Sess. 1829–1830, VI., part 1, pp. 530–537.

districts, consisting of the eleven States which were then members of the Union, were divided into three circuits. These were called the eastern, the middle, and the southern circuits. The eastern circuit was composed of the States of New Hampshire, Massachusetts, Connecticut, and New York; the middle, of the States of New Jersey, Pennsylvania, Delaware, Maryland, and Virginia; and the southern, of the States of South Carolina and Georgia. The remaining districts of Maine and Kentucky, not then members of the Union, were not embraced in any circuit; but their district courts were invested with the powers of a circuit court.

Under this act, the Supreme Court of the United States consisted of a chief justice and five associate justices.

In each district of these three circuits, a circuit court was directed to be held twice in each year, to be composed of any two justices of the Supreme Court, and the judge of the district.

In June, 1790, the States of Rhode Island and North Carolina, and in March, 1791, that of Vermont, came into the Union. The districts of Rhode Island and Vermont were attached to the eastern, and that of North Carolina to the southern circuit.

The committee will observe, that the act of 1789 did not assign the justices of the Supreme Court to particular circuits, but intended that they should alternate in holding their circuit courts. It was soon found to be impracticable for them to perform the circuit duties required by this act. Under its operation, the six justices of the Supreme Court, besides the performance of their duties in bank, were required, in pairs, to hold circuit courts twice in each year, throughout the three circuits which embraced all the States of the Union. In 1792, they addressed the President of the United States upon the subject, who laid their communication before Congress. This produced the act of March, 1793, which declared that any one of the justices of the Supreme Court, with the judge of the district, should compose the circuit court. This act, by dividing their duties, diminished their circuit labors one half, and enabled them, without difficulty, to attend all the circuit courts.

Thus the Judiciary of the United States continued to be organized until the passage of the famous act of February 1801. This act produced great excitement throughout the country at the time of its passage, and met with strong public disapprobation. It withdrew the justices of the Supreme Court from the performance of circuit duties, and made them exclusively an

appellate tribunal. Under its provisions, the United States were divided into six circuits, and three judges were appointed for each of the first five of these circuits. For the sixth circuit, which consisted of the districts of East and West Tennessee, Kentucky, and Ohio, only one circuit judge was appointed; who, together with the district judges of Tennessee and Kentucky, composed the court for that circuit. The district courts throughout this circuit were abolished, and their duties were transferred to the circuit court. Such was the provision which this act made for the performance of these circuit duties, which had been ably and satisfactorily discharged by the six justices of the Supreme Court previous to its passage.

The act of 1801 had but a brief existence. It was swept from the statute book in little more than one year after it became a law, by the repealing act of March, 1802. All the judges created under it were thus legislated out of office. This has been called a high-handed proceeding, and it is one which ought never to be resorted to except in extreme cases; but yet, in my opinion, experience has justified the measure, and has proved that such an extreme case then existed. But more of this hereafter.

In April, 1802, the judicial system was re-organized, and placed upon the foundation on which it now rests. The old thirteen States, together with Vermont, were divided into six circuits, the first composed of the States of New Hampshire, Massachusetts, and Rhode Island; the second, of the States of Connecticut, New York, and Vermont; the third, of New Jersey and Pennsylvania; the fourth, of Maryland and Delaware; the fifth, of Virginia and North Carolina; and the sixth, of South Carolina and Georgia. These circuits have ever since continued the same, except that Maine, since its admission into the Union, has been annexed to the first circuit. This act was the first which assigned to each justice of the Supreme Court a particular circuit. From the passage of the judicial act of 1789, until that of April, 1802, the justices of the Supreme Court alternated and travelled over all the circuits. Since that time, each one of them has been confined to a single circuit. The act of 1802 proceeded still further, and recognized the principle that the justices of the Supreme Court ought to reside within their respective circuits. At the date of its passage, four of the justices resided within the circuits to which it assigned them. Upon the resignation of Mr. Justice Moore in 1804, whose residence

was in the fifth, but who was assigned to the sixth circuit, the present Mr. Justice Johnston was appointed his successor. Ever since that time, all the justices of the Supreme Court have resided within their respective circuits, except the late Judge Washington. And of that lamented judge, permit me to say, that although he was the citizen of a State out of the limits of his circuit, yet his judicial character was held in as high estimation by the people of Pennsylvania, as will be that of any man who shall probably ever become his successor.

Kentucky, which became a State of the Union in 1792, and Tennessee in 1796, were not embraced within the circuits created by the act of 1802. Each of them continued to have a district court, which, in addition to the ordinary powers of such a court, was invested with the jurisdiction of a circuit court. Ohio became a member of the Union in 1802; and, in February, 1807, Congress established a seventh circuit, to consist of the States of Kentucky, Tennessee, and Ohio. Under this act, a sixth associate justice of the Supreme Court was appointed, to reside within the seventh circuit, and to hold the circuit courts. This circuit has always been too extensive, and the duties of the judge have ever been too laborious to be performed by any one man.

After the passage of the act of 1807, each of the eighteen States which then composed the Federal Union, were provided with a circuit court. That act, in this respect, placed them all upon an equal footing.

Since the year 1807, six new States have been added to the Union: Louisiana, in 1812; Indiana, in 1816; Mississippi, in 1817; Illinois, in 1818; Alabama, in 1819; and Missouri, in 1821.

The purpose of this bill is to extend the circuit court system to these new States; and, in doing so, to make such an arrangement of the two new circuits which it proposes to establish, as will enable the courts to transact the business of the States of Ohio, Kentucky, and Tennessee.

Before I proceed to discuss the merits of this bill, it is necessary, to a correct understanding of the subject, that I should present to the committee the great outlines of the jurisdiction of the circuit courts of the United States. I need scarcely repeat, that they are composed of one of the justices of the Supreme Court and the judge of the district in which they are held. They do not possess original jurisdiction in any case,

unless the sum in controversy exceeds five hundred dollars. Above that amount they have unlimited original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, in which the United States are plaintiffs, or in which an alien is one party, and the citizen of the State the other; or in which the controversy is between a citizen of the State where the suit is brought, and a citizen of another State. If an alien be sued in a State court by any State or the citizen of a State, or if the citizen of another State be sued in a State court by a citizen of the State in which the suit is brought, the defendant in either case may remove the cause into the circuit court of the United States. The jurisdiction of the circuit court also extends to controversies between citizens of the same State, claiming lands under grants of different States; and causes of this nature may be removed by either party from the courts of the States into the circuit court. Besides this extended original jurisdiction, the circuit courts are courts of appeal, in which the judgments and decrees of the district courts may be reviewed, in all civil cases in which the sum in controversy exceeds fifty dollars. When we consider that the district courts "have exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction," this single branch of their power must be the fruitful source of many appeals to the circuit courts.

The judgments or decrees of the circuit courts are final and conclusive in all cases in which the amount in controversy does not exceed two thousand dollars, unless when the two judges who compose them are divided in opinion upon some point which may have arisen during the trial.

The circuit courts also possess exclusive original jurisdiction of all crimes of an aggravated nature committed against the United States; and they have concurrent jurisdiction with the district courts of all other offences. Their judgments in all criminal cases are conclusive, unless the judges are divided in opinion. If there has been such a division between them, either in a civil or criminal case, the point of disagreement may be certified to the next Supreme Court for a final decision.

Having thus given a hasty sketch of the history of the Judiciary of the United States, and of the jurisdiction of the circuit courts which this bill proposes to extend to the six new States of the Union, I shall now proceed to present the views of the Committee on the Judiciary in relation to this important

subject. In doing this, I feel that, before I can expect the passage of the bill, I must satisfy the committee, first, that such a change or modification of the present judiciary system ought to be adopted, as will place the Western States on an equal footing with the other States of the Union; and, second, that the present bill contains the best provisions, which, under all the circumstances, can be devised for accomplishing this purpose.

And first, in regard to the States of Ohio, Kentucky, and Tennessee. It may be said that the existing law has already established circuit courts in these three States, and why then should they complain? In answer to this question, I ask gentlemen to look at a map of the United States, and examine the extent of this circuit. The distance which the judge is compelled to travel, by land, for the purpose of attending the different circuit courts, is, of itself, almost sufficient, in a few years, to destroy any common constitution. From Columbus, in Ohio, he proceeds to Frankfort, in Kentucky; from Frankfort to Nashville; and from Nashville, across the Cumberland mountain, to Knoxville. When we reflect that, in addition to his attendance of the courts in each of these States, twice in the year, he is obliged annually to attend the Supreme Court in Washington, we must all admit that his labors are very severe.

This circuit is not only too extensive, but there is a great press of judicial business in each of the States of which it is composed. In addition to the ordinary sources of litigation for the circuit courts throughout the Union, particular causes have existed for its extraordinary accumulation in each of these States. It will be recollected that, under the Constitution and laws of the United States, the circuit courts may try land causes between citizens of the same State, provided they claim under grants from different States. In Tennessee, grants under that State and the State of North Carolina, for the same land, often come into conflict in the circuit court. The interfering grants of Virginia and Kentucky are a fruitful source of business for the circuit court of Kentucky. These causes, from their very nature, are difficult and important, and must occupy much time and attention. Within the Virginia military district of Ohio, there are also many disputed land titles.

Another cause has contributed much to swell the business of the circuit court of Kentucky. The want of confidence of the citizens of other States in the judicial tribunals of that State, has greatly added to the number of suits in the circuit court.

Many plaintiffs, who could, with greater expedition, have recovered their demands in the courts of the State, were compelled, by the impolitic acts of the State Legislature, to resort to the courts of the United States. Whilst these laws were enforced by the State courts, they were disregarded by those of the Union. In making these remarks, I am confident no representative from that patriotic State will mistake my meaning. I rejoice that the difficulties are now at an end, and that the people of Kentucky have discovered the ruinous policy of interposing the arm of the law to shield a debtor from the just demands of his creditor. That gallant and chivalrous people, who possess a finer soil and a finer climate than any other State of the Union, will now, I trust, improve and enjoy the bounties which nature has bestowed upon them with a lavish hand. As their experience has been severe, I trust their reformation will be complete. Still, however, many of the causes which originated in past years, are yet depending in the circuit court of that State.

In 1826, when a similar bill was before this House, we had the most authentic information that there were nine hundred and fifty causes then pending in the circuit court of Kentucky, one hundred and sixty in the circuit court for the western district, and about the same number in that for the eastern district of Tennessee, and upwards of two hundred in Ohio. Upon that occasion, a memorial was presented from the bar of Nashville, signed by G. W. Campbell as chairman, and Felix Grundy, at present a Senator of the United States, as secretary. These gentlemen are both well known to this House, and to the country. That memorial declares that "the seventh circuit, consisting of Kentucky, Ohio, and Tennessee, is too large for the duties of it to be devolved on one man; and it was absolutely impossible for the judge assigned to this circuit to fulfil the letter of the law designating his duties." Such has been the delay of justice in the State of Tennessee, "that some of the important causes now pending in their circuit courts are older than the professional career of almost every man at the bar."

The number of causes depending in the seventh circuit, I am informed, has been somewhat reduced since 1826; but still the evil is great, and demands a remedy. If it were possible for one man to transact the judicial business of that circuit, I should have as much confidence that it would be accomplished by the justice of the Supreme Court to which it is assigned, as by any other judge in the Union. His ability and his perseverance are

well known to the nation. The labor, however, both of body and mind, is too great for any individual.

Has not the delay of justice in this circuit almost amounted to its denial? Are the States which compose it placed upon the same footing, in this respect, with other States of the Union? Have they not a right to complain? Many evils follow in the train of tardy justice. It deranges the whole business of society. It tempts the dishonest and the needy to set up unjust and fraudulent defences against the payment of just debts, knowing that the day of trial is far distant. It thus ruins the honest creditor, by depriving him of the funds which he had a right to expect at or near the appointed time of payment; and it ultimately tends to destroy all confidence between man and man.

A greater curse can scarcely be inflicted upon the people of any State, than to have their land titles unsettled. What, then, must be the condition of Tennessee, where there are many disputed land titles, when we are informed, by undoubted authority, "that some of the important causes now pending in their circuit courts are older than the professional career of almost every man at the bar." Instead of being astonished at the complaints of the people of this circuit, I am astonished at their forbearance. A judiciary, able and willing to compel men to perform their contracts, and to decide their controversies, is one of the greatest political blessings which any people can enjoy; and it is one which the people of this country have a right to expect from their Government. The present bill proposes to accomplish this object, by creating a new circuit out of the States of Kentucky and Tennessee. This circuit will afford sufficient employment for one justice of the Supreme Court.

Without insisting further upon the propriety, nay, the necessity, of organizing the circuit courts of Ohio, Kentucky, and Tennessee, in such a manner as to enable them to transact the business of the people, I shall now proceed to consider the situation of the six new States, Louisiana, Indiana, Mississippi, Illinois, Alabama, and Missouri. Their grievances are of a different character. They do not so much complain of the delay of justice, as that Congress has so long refused to extend to them the circuit court system, as it exists in all the other States. As they successively came into the Union, they were each provided with a district court and a district judge, possessing circuit court powers. The acts which introduced them into our political family declare that they shall "be admitted into the Union on an equal footing with the

original States, in all respects whatever." I do not mean to contend that by virtue of these acts we were bound immediately to extend to them the circuit court system. Such has not been the practice of Congress, in regard to other States in a similar situation. I contend, however, that these acts do impose an obligation upon us to place them "on an equal footing with the original States," in regard to the judiciary, as soon as their wants require it, and the circumstances of the country permit it to be done. That time has, in my opinion, arrived. Louisiana has now been nearly eighteen years a member of the Union, and is one of our most commercial States; and yet, until this day, she has been without a circuit court. It is more than thirteen years since Indiana was admitted; and even our youngest sister, Missouri, will soon have been nine years in the family. Why should not these six States be admitted to the same judicial privileges which all the others now enjoy? Even if there were no better reason, they have a right to demand it for the mere sake of uniformity. I admit this is an argument dictated by State pride; but is not that a noble feeling? Is it not a feeling which will ever characterize freemen? Have they not a right to say to us, if the circuit court system be good for you, it will be good for us? You have no right to exclusive privileges. If you are sovereign States, so are we. By the terms of our admission, we are perfectly your equals. We have long submitted to the want of this system, from deference to your judgment; but the day has now arrived when we demand it from you as our right. But there are several other good reasons why the system ought to be extended to these States. And, in the first place, the justices of the Supreme Court are selected from the very highest order of the profession. There is scarcely a lawyer in the United States who would not be proud of an elevation to that bench. A man ambitious of honest fame ought not to desire a more exalted theatre for the display of ability and usefulness. Besides, the salary annexed to this office is sufficient to command the best talents of the country. I ask you, sir, is it not a serious grievance for those States to be deprived of the services of such a man in their courts? I ask you whether it is equal justice, that whilst, in eighteen States of the Union, no man can be deprived of his life, his liberty, or his property, by the judgment of a circuit court, without the concurrence of two judges, and one of them a justice of the Supreme Court, in the remaining six the fate of the citizen is determined by the decision of a single district judge? Who are, generally speaking,

these district judges? In asking this question, I mean to treat them with no disrespect. They receive but small salaries, and their sphere of action is confined to their own particular districts. There is nothing either in the salary or in the station which would induce a distinguished lawyer, unless under peculiar circumstances, to accept the appointment. And yet the judgment of this individual, in six States of the Union, is final and conclusive, in all cases of law, of equity, and of admiralty and maritime jurisdiction, wherein the amount of the controversy does not exceed two thousand dollars. Nay, the grievance is incomparably greater. His opinion in all criminal cases, no matter how aggravated may be their nature, is final and conclusive. A citizen of these States may be deprived of his life, or of his character, which ought to be dearer than life, by the sentence of a district judge; against which there is no redress, and from which there can be no appeal.

There is another point of view in which the inequality and injustice of the present system, in the new States, is very striking. In order to produce a final decision, both the judges of a circuit court must concur. If they be divided in opinion, the point of difference is certified to the Supreme Court, for their decision; and this, whether the amount in controversy be great or small. The same rule applies to criminal cases. In such a court, no man can be deprived of life, of liberty, or of property, by a criminal prosecution, without the clear opinion of the two judges that his conviction is sanctioned by the laws of the land. If the question be doubtful or important, or if it be one of the first impression, the judges, even when they do not really differ, often agree to divide, *pro forma*, so that the point may be solemnly argued and decided in the Supreme Court. Thus, the citizen of every State in which a circuit court exists, has a shield of protection cast over him, of which he cannot be deprived, without the deliberate opinion of two judges; whilst the district judge of the six new Western States must alone finally decide every criminal question, and every civil controversy in which the amount in dispute does not exceed two thousand dollars.

In the eastern district of Louisiana, the causes of admiralty and maritime jurisdiction decided by the district court must be numerous and important. If a circuit court were established for that State, a party who considered himself aggrieved might appeal to it from the district court in every case in which the amount in controversy exceeded fifty dollars. At present there is no appeal, unless the value of the controversy exceeds two

thousand dollars; and then it must be made directly to the Supreme Court, a tribunal so far remote from the city of New Orleans, as to deter suitors from availing themselves of this privilege.

I shall not further exhaust the patience of the committee on this branch of the subject. I flatter myself that I have demonstrated the necessity for such an alteration of the existing laws, as will confer upon the people of Ohio, Kentucky, and Tennessee, and of the six new Western States, the same benefits from the judiciary, as those which the people of the other States now enjoy.

The great question, then, which remains for discussion is, does the present bill present the best plan for accomplishing this purpose, which, under all circumstances, can be devised? It is incumbent upon me to sustain the affirmative of this proposition. There have been but two plans proposed to the Committee on the Judiciary, and but two can be proposed, with the least hope of success. The one an extension of the present system, which the bill now before the committee contemplates, and the other a resort to the system which was adopted in the days of the elder Adams, of detaching the justices of the Supreme Court from the performance of circuit duties, and appointing circuit judges to take their places. After much reflection upon this subject, I do not think that the two systems can be compared, without producing a conviction in favor of that which has long been established. The system of detaching the judges of the Supreme Court from the circuits has been already tried, and it has already met the decided hostility of the people of this country. No act passed during the stormy and turbulent administration of the elder Adams, which excited more general indignation among the people. The courts which it established were then, and have been ever since, branded with the name of the "midnight judiciary." I am far from being one of those who believe the people to be infallible. They are often deceived by the arts of demagogues: but this deception endures only for a season. They are always honest, and possess much sagacity. If, therefore, they get wrong, it is almost certain they will speedily return to correct opinions. They have long since done justice to other acts of that administration, which at the time they condemned; but the feeling against the judiciary established under it remains the same. Indeed, many now condemn that system, who were formerly its advocates. In 1826, when a bill, similar in its provisions to the bill now before the committee, was under discussion

in this House, a motion was made by a gentleman from Virginia [Mr. Mercer] to recommit it to the Committee on the Judiciary, with an instruction so to amend it, as to discharge the judges of the Supreme Court from attendance on the circuit courts, and to provide a uniform system for the administration of justice in the inferior courts of the United States. Although this motion was sustained with zeal and eloquence and ability by the mover, and by several other gentlemen, yet, when it came to the vote, it was placed in a lean minority, and, I believe, was negatived without a division. It is morally certain that such a bill could not now be carried. It would therefore have been vain and idle in the Committee on the Judiciary to have reported such a bill. If the Western States should be doomed to wait for a redress of their grievances, until public opinion shall change upon this subject, it will, probably, be a long time before they will obtain relief.

But, sir, there are most powerful reasons for believing that public opinion upon this subject is correct. What would be the natural consequences of detaching the judges of the Supreme Court from circuit duties? It would bring them and their families from the circuits in which they now reside; and this city would become their permanent residence. They would naturally come here; because here, and no where else, would they then have official business to transact. What would be the probable effect of such a change of residence? The tendency of every thing within the ten miles square is towards the Executive of the Union. He is here the centre of attraction. No matter what political revolutions may take place, no matter who may be up or who may be down, the proposition is equally true. Human nature is not changed under a republican Government. We find that citizens of a republic are worshippers of power, as well as the subjects of a monarchy. Would you think it wise to bring the justices of the Supreme Court from their residence in the States, where they breathe the pure air of the country, and assemble them here within the very vortex of Executive influence? Instead of being independent judges, scattered over the surface of the Union, their feelings identified with the States of which they are citizens, is there no danger, that, in the lapse of time, you would convert them into minions of the Executive? I am far, very far, from supposing that any man, who either is or who will be a justice of the Supreme Court, could be actually corrupted; but if you place them in a situation where they or their relatives would naturally become candidates for Executive patronage, you place them,

in some degree, under the control of Executive influence. If there should now exist any just cause for the complaints against the Supreme Court, that in their decisions they are partial to federal rather than to State authority, (and I do not say that there is,) that which at present may be but an imaginary fear might soon become a substantial reality. I would place them beyond the reach of temptation. I would suffer them to remain, as they are at present, citizens of their respective States, visiting this city annually to discharge their high duties, as members of the Supreme Court. This single view of the subject, if there were no other, ought in my judgment to be conclusive.

Let us now suppose, for the sake of the argument, that the withdrawal of the justices of the Supreme Court from their circuit duties, and their residence in this city, would produce no such effects, as I apprehend, upon the judges themselves; what would be the probable effect upon public opinion? It has been said, and wisely said, that the first object of every judicial tribunal ought to be to do justice; the second, to satisfy the people that justice has been done. It is of the utmost importance in this country that the judges of the Supreme Court should possess the confidence of the public. This they now do in an eminent degree. How have they acquired it? By travelling over their circuits, and personally showing themselves to the people of the country, in the able and honest discharge of their high duties, and by their extensive intercourse with the members of the profession on the circuits in each State, who after all are the best judges of judicial merit, and whose opinions upon this subject have a powerful influence upon the community. Elevated above the storms of faction and of party which have sometimes lowered over us, like the sun, they have pursued their steady course, unawed by threats, unseduced by flattery. They have thus acquired that public confidence, which never fails to follow the performance of great and good actions, when brought home to the personal observation of the people.

Would they continue to enjoy this extensive public confidence, should they no longer be seen by the people of the States, in the discharge of their high and important duties, but be confined, in the exercise of them, to the gloomy and vaulted apartment which they now occupy in this capitol? Would they not be considered as a distant and dangerous tribunal? Would the people, when excited by strong feeling, patiently submit to have the most solemn acts of their State Legislatures swept from the

statute book, by the decision of judges whom they never saw, and whom they had been taught to consider with jealousy and suspicion? At present, even in those States where their decisions have been most violently opposed, the highest respect has been felt for the judges by whom they were pronounced; because the people have had an opportunity of personally knowing that they were both great and good men. Look at the illustrious individual who is now the Chief Justice of the United States. His decisions upon constitutional questions have ever been hostile to the opinions of a vast majority of the people of his own State; and yet with what respect and veneration has he been viewed by Virginia? Is there a Virginian, whose heart does not beat with honest pride when the just fame of the Chief Justice is the subject of conversation? They consider him, as he truly is, one of the greatest and best men which this country has ever produced. Think ye that such would have been the case, had he been confined to the city of Washington, and never known to the people, except in pronouncing judgments in this capitol, annulling their State laws, and calculated to humble their State pride? Whilst I continue to be a member of this House, I shall never incur the odium of giving a vote for any change in the judiciary system, the effect of which would, in my opinion, diminish the respect in which the Supreme Court is now held by the people of this country.

The judges whom you would appoint to perform the circuit duties, if able and honest men, would soon take the place which the judges of the Supreme Court now occupy in the affections of the people; and the reversal of their judgments, when they happened to be in accordance with strong public feeling, would naturally increase the mass of discontent against the Supreme Court.

There are other reasons, equally powerful, against the withdrawal of the judges from the circuits. What effect would such a measure probably produce upon the ability of the judges themselves to perform their duties? Would it not be very unfortunate?

No judges upon earth ever had such various and important duties to perform, as the justices of the Supreme Court. In England, whence we have derived our laws, they have distinct courts of equity, courts of common law, courts of admiralty, and courts in which the civil law is administered. In each of these courts, they have distinct judges; and perfection in any of these branches

is certain to be rewarded by the honors of that country. The judges of our Supreme Court, both on their circuits and in bank, are called upon to adjudicate on all these codes. But this is not all. Our Union consists of twenty-four sovereign States, in all of which there are different laws and peculiar customs. The common and equity law have thus been changed and inflected into a hundred different shapes, and adapted to the various wants and opinions of the different members of our confederacy. The judicial act of 1789 declares "that the laws of the several States, except where the constitution, treaties, or statutes of the United States shall otherwise require or provide," shall be regarded as rules of decision in the courts of the United States. The justices of the Supreme Court ought, therefore, to be acquainted with the ever-varying codes of the different States.

There is still another branch of their jurisdiction, of a grand and imposing character, which places them far above the celebrated Amphyctionic council. The Constitution of the United States has made them the arbiters between conflicting sovereigns. They decide whether the sovereign power of the States has been exercised in conformity with the constitution and laws of the United States; and, if this has not been done, they declare the laws of the State Legislatures to be void. Their decisions thus control the exercise of sovereign power. No tribunal ever existed, possessing the same, or even similar authority. Now, sir, suppose you bring these judges to Washington, and employ them in bank but six weeks or two months in the year, is it not certain that they will gradually become less and less fit to decide upon these different codes, and that they will at length nearly lose all recollection of the peculiar local laws of the different States? Every judicial duty which each of them would then be required to perform, would be to prepare and deliver a few opinions annually in bank.

The judgment, like every other faculty of the mind, requires exercise to preserve its vigor. That judge who decides the most causes, is likely to decide them the best. He who is in the daily habit of applying general principles to the decision of cases, as they arise upon the circuits, is at the same time qualifying himself in the best manner for the duties of his station on the bench of the Supreme Court.

Is it probable that the long literary leisure of the judges in this city, during ten months of the year, would be devoted to searching the two hundred volumes of jarring decisions of State

courts, or in studying the acts of twenty-four State Legislatures? The man must have a singular taste and a firm resolution, who, in his closet, could travel over this barren waste. And even if he should, what would be the consequence? The truth is, such knowledge cannot be obtained; and after it has been acquired, it cannot be preserved, except by constant practice. There are subjects which, when the memory has once grasped, it retains for ever. It has no such attachment for acts of Assembly, acts of Congress, and reports of adjudged cases, fixing their construction. This species of knowledge, under the present system, will always be possessed by the judges of the Supreme Court; because, in the performance of their circuit duties, they are placed in a situation in which it is daily expounded to them, and in which they are daily compelled to decide questions arising upon it. Change this system, make them exclusively judges of an appellate court, and you render it highly probable that their knowledge of the general principles of the laws of their country will become more and more faint, and that they will finally almost lose the recollection of the peculiar local systems of the different States. "Practice makes perfect," is a maxim applicable to every pursuit in life. It applies with peculiar force to that of a judge. I think I might appeal for the truth of this position to the long experience of the distinguished gentleman from New York, now by my side, [Mr. Spencer.] A man, by study, may become a profound lawyer in theory, but nothing except practice can make him an able judge. I call upon every member of the profession in this House to say whether he does not feel himself to be a better lawyer at the end of a long term, than at the beginning. It is the circuit employment, imposed upon the judges of England and the United States, which has rendered them what they are. In my opinion, both the usefulness and the character of the Supreme Court depend much upon its continuance.

I now approach what I know will be urged as the greatest objection to the passage of this bill—that it will extend the number of the judges of the Supreme Court to nine. If the necessities of the country required that their number should be increased to ten, I would feel no objection to such a measure. The time has not yet arrived, however, when, in my opinion, such a necessity exists. Gentlemen, in considering this subject, ought to take those extended views which belong to statesmen. When we reflect upon the vast extent of our country, and the various systems of law under which the people of the different States are

governed, I cannot conceive that nine or even ten judges are too great a number to compose our appellate tribunal. That number would afford a judicial representation upon the bench of each large portion of the Union. Not, sir, a representation of sectional feelings or of the party excitements of the day, but of that peculiar species of legal knowledge necessary to adjudicate wisely upon the laws of the different States. For example, I ask what judge now upon the bench possesses, or can possess, a practical knowledge of the laws of Louisiana? Their system is so peculiar, that it is almost impossible for a man to decide correctly upon all cases arising under it, who has never been practically acquainted with the practice of their courts. Increase the number of judges to nine, and you will then have them scattered throughout all the various portions of the Union. The streams of legal knowledge peculiar to the different States will then flow to the bench of the Supreme Court as to a great reservoir, from whence they will be distributed throughout the Union. There will then always be sufficient local information upon the bench, if I may use the expression, to detect all the ingenious fallacies of the bar, and to enable them to decide correctly upon local questions. I admit, if the judges were confined to appellate duties alone, nine or ten would probably be too great a number. Then there might be danger that some of them would become mere non-entities, contenting themselves simply with voting aye or no in the majority or minority. There would then also be danger that the Executive might select inefficient men for this high station, who were his personal favorites, expecting their incapacity to be shielded from public observation by the splendid talents of some of the other judges upon the bench. Under the present system we have no such danger to apprehend. Each judge must now feel his own personal responsibility. He is obliged to preside in the courts throughout his circuit, and to bring home the law and the justice of his country to his fellow-citizens in each of the districts of which it is composed. Much is expected from a judge placed in his exalted station; and he must attain to the high standard of public opinion by which he is judged, or incur the reproach of holding an office to which he is not entitled. No man in any station in this country can place himself above public opinion.

Upon the subject of judicial appointments, public opinion has always been correct. No factious demagogue, no man, merely because he has sung hosannas to the powers that be, can arrive at the bench of the Supreme Court. The Executive him-

self will always be constrained by the force of public sentiment, whilst the present system continues, to select judges for that court from the ablest and best men of the circuit; and such has been the course which he has hitherto almost invariably pursued. Were he to pursue any other, he would inevitably incur popular odium. Under the existing system, there can be no danger in increasing the number of the judges to nine. But take them from their circuits, destroy their feeling of personal responsibility by removing them from the independent courts over which they now preside, and make them merely an appellate tribunal, and I admit there would be danger, not only of improper appointments, but that a portion of them, in the lapse of time, might become incompetent to discharge the duties of their station.

But, Sir, have we no examples of appellate courts consisting of a greater number than either nine or ten judges, which have been approved by experience? The Senate of the State of New York has always been their court of appeals; and, notwithstanding they changed their constitution a few years ago, so much were the people attached to this court, that it remains unchanged. In England, the twelve judges, in fact, compose the court of appeals. Whenever the House of Lords sits in a judicial character, they are summoned to attend, and their opinions are decisive of almost every question. I do not pretend to speak accurately, but I doubt whether the House of Lords have decided two cases, in opposition to the opinion of the judges, for the last fifty years. In England there is also the court of exchequer chamber, consisting of the twelve judges, and sometimes of the lord chancellor also, into which such causes may be adjourned from the three superior courts, as the judges find to be difficult of decision, before any judgment is given upon them in the court in which they originated. The court of exchequer chamber is also a court of appeals, in the strictest sense of the word, in many cases which I shall not take time to enumerate.

I cannot avoid believing that the prejudice which exists in the minds of some gentlemen, against increasing the number of the judges of the Supreme Court to nine, arises from the circumstance that the appellate courts of the different States generally consist of a fewer number. But is there not a striking difference between the cases? It does not follow that because four or five may be a sufficient number in a single State where one uniform system of laws prevails, nine or ten would be too many on the bench of the Supreme Court, which administers the laws of

twenty-four States, and decides questions arising under all the codes in use in the civilized world. Indeed, if four or five judges be not too many for the court of appeals in a State, it is a strong argument that nine or ten are not too great a number for the court of appeals of the Union. Upon the whole, I ask, would it be wise in this committee, disregarding the voice of experience, to destroy a system which has worked well in practice for forty years, and resort to a dangerous and untried experiment, merely from a vague apprehension that nine judges will destroy the usefulness and character of that court, which has been raised by seven to its present exalted elevation.

It will, no doubt, be objected to this bill, as it has been upon a former occasion, that the present system cannot be permanent, and that, ere long, the judges of the Supreme Courts must, from necessity, be withdrawn from their circuits. To this objection there is a conclusive answer. We know that the system is now sufficient for the wants of the country, and let posterity provide for themselves. Let us not establish courts which are unnecessary in the present day, because we believe that hereafter they may be required to do the business of the country.

But, if it were necessary, I believe it might be demonstrated that ten justices of the Supreme Court will be sufficient to do all the judicial business of the country which is required of them under the present system, until the youngest member of this House shall be sleeping with his fathers. Six judges have done all the business of the States east of the Alleghany mountains, from the adoption of the Federal Constitution up till this day; and still their duties are not laborious. If it should be deemed proper by Congress, these fifteen Eastern States might be arranged into five circuits instead of six, upon the occurrence of the next vacancy in any of them, without the least inconvenience either to the judges or to the people; and thus it would be rendered unnecessary to increase the bench of the Supreme Court beyond nine, even after the admission of Michigan and Arkansas into the Union. The business of the federal courts, except in a few States, will probably increase but little for a long time to come. One branch of it must, before many years, be entirely lopped away. I allude to the controversies between citizens of the same State claiming lands under grants from different States. This will greatly diminish their business both in Tennessee and Kentucky. Besides, the State tribunals will generally be preferred by aliens and by citizens of other States for the

mere recovery of debts, on account of their superior expedition.

I should here close my remarks, if it were not necessary to direct the attention of the committee for a few minutes to the details of the bill. And here permit me to express my regret that my friend from Kentucky [Mr. Wickliffe] has thought proper to propose an amendment to add three, instead of two, judges to the Supreme Court. Had a majority of the Committee on the Judiciary believed ten judges, instead of nine, to be necessary, I should have yielded my opinion, as I did upon a former occasion, and given the bill my support in the House. This I should have done, to prevent division among its friends, believing it to be a mere question of time: for ten will become necessary in a few years, unless the number of the Eastern circuits should be reduced to five.

[Here Mr. Wickliffe asked if it were in order to refer to his amendment, as it was not yet before the committee.]

Mr. Buchanan said, he would not further refer to it at present. The bill proposes to create one new circuit out of Mississippi, the eastern district of Louisiana, and the southern district of Alabama. Nature has united these three districts. They cannot be separated without violence. There is a communication by water, between Natchez, New Orleans, and Mobile, the places at which the circuit courts will be held for the whole distance, which is always safe and expeditious. No other arrangement could have been made, unless Alabama had been connected with Tennessee; and that would have been extremely inconvenient. I have a certificate from the Post Office Department in my possession, stating the distance from Nashville to Mobile to be four hundred and thirty-nine miles. The road is not good, the streams are not bridged, and it passes through a new country, and part of the way through an Indian nation. In order to attend the circuit court at Mobile, the judge would be compelled to travel over this road, from a healthy into a sickly climate, twice in each year, a total distance of one thousand seven hundred and fifty-six miles; and this, when he could reach Mobile, either from Natchez or New Orleans, by water, in two or three days.

The circuit court cannot be removed from Mobile, and placed nearer to Nashville. It is there that admiralty and maritime causes arise and must be decided in the district court, from which an appeal is allowed to the circuit court. It is at that commercial point the citizens of Alabama chiefly come into contact in their commercial transactions with the citizens of other States and with

foreigners; and there the chief civil business of the circuit court must arise. But, above all, it is there, near the verge of the Gulf of Mexico, where offences against the United States committed upon the high seas must be tried and punished.

Kentucky and Tennessee, under this bill, compose the other new circuit; and however reluctant these States may be to go together, I do not perceive how they can be separated, without imposing more labor upon some one of the Western judges than he ought to be called upon to perform.

In regard to the other Western circuit, consisting of Ohio, Indiana, Illinois, and Missouri, I admit that it will embrace a large extent of territory. I am sorry for it, but it cannot be avoided. We ought, however, to consider that, if the judge shall be compelled to travel much, a great part of it will be by water. He will have but little business to transact in any of the States of which it is composed, except Ohio. It is probable, too, that ere long public convenience will suggest the removal of the circuit courts of Ohio, Indiana, and Illinois from the seats of government of those States to the Ohio river; and I am at a loss to conceive any good reason why the circuit court of Missouri should not be held at St. Louis.

After all, I regret that necessity has compelled the Committee on the Judiciary to report a bill, which, if it should pass, will impose so much travel on the judge of the seventh circuit. No man would be more disposed to relieve that distinguished individual from unnecessary labor than myself. I feel confident he will never complain. The man who, by the exertion of great ability, incessant labor, and untiring perseverance, brought the Post Office Department from chaos into order, will never shrink from the performance of any duty required of him by his country.

Another remark, and I have done. This bill does not provide a circuit court for the western district of Louisiana, and the northern district of Alabama. In this respect, these districts are placed upon the same footing with the northern district of New York, the western district of Pennsylvania, and the western district of Virginia. I possess no actual information concerning the amount of business in the northern district of Alabama; but from its position it cannot be great. I have the best information that there is but little business in the western district of Louisiana. At all events, neither Louisiana nor Alabama will complain, when they are placed upon the same footing with New York, Pennsylvania, and Virginia.

REMARKS, FEBRUARY 10, 1830,

ON DIPLOMATIC EXPENSES.[1]

Mr. Buchanan said, he had not expected that the House would have entered into a party debate upon this question, and he trusted it would not now seriously engage in such a discussion. The two gentlemen who had addressed the House upon different sides of the question, appeared to him to have taken but a narrow view of the subject. It was decidedly his opinion that, in our intercourse with foreign nations, we should pursue a liberal and wise, rather than a narrow and short-sighted policy. It was the interest and the duty of this country to cherish the good opinion of foreign nations; and in our intercourse with them, if we acted upon narrow principles, we might find that, in realizing a small gain, the country might sustain a heavy loss. We should view this subject as statesmen, and never hesitate to provide the means necessary to enable the Executive to sustain both the character and the cause of this country, in intercourse with other nations. Mr. B. said he was, therefore, astonished to hear gentlemen comparing the relative cost of our foreign intercourse in different years, and under different administrations, as if there were no other question to be considered, but which administration had spent the least money.

Sir, [said Mr. B.] I was one of those who condemned the last administration, not so much on account of the amount of its expenditures in our foreign intercourse, as because, in practice, it repealed the law of 1810. A practice had grown up within the last twenty years, which at least violated both the letter and the spirit of that act. One precedent in violation of law was established, which gave birth to many others. At last this act was so wholly disregarded by the last administration, that they suffered a minister, upon leaving a foreign country, to convert his secretary of legation into a chargé des affaires, and as such paid a full salary and outfit, although he returned home a very short time after the minister. This was not only without law, but expressly against law. He had not the least right to such an allowance. It was not a question whether the contingent fund ought to have been resorted to for his payment; but it was a case in which the President had no right, under the law, to allow

[1] Register of Debates, 21 Cong. 1 Sess. 1829–1830, VI., part 1, pp. 558–559.

him one cent, out of any fund, beyond his salary as secretary of legation. Mr. B. was willing that those matters should now rest in oblivion, and he would never voluntarily call them forth to the light. He had opposed the practice of the last administration, not because they had paid just demands out of the contingent fund, but because they had made donations to individuals in express violation of the existing laws.

Mr. B. said, the true reason why the appropriation necessary for our foreign intercourse was greater the present than it had been the past year, was, that several of our ministers had been recalled, and others had been appointed in their stead, whom it was necessary to provide with outfits. Would any gentleman question the right of the Executive to pursue this course? For this conduct he was answerable to no tribunal but that of the American people. The appointment of foreign ministers was peculiarly within the province of the Executive. The constitution and laws of the United States had reposed in him this discretion; and it must be an extreme case indeed in which the House of Representatives ought to withhold the necessary appropriation. He presumed no gentleman in the House would say that such a case now existed. He had risen to say thus much; and he hoped to see the appropriation made without further discussion.

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